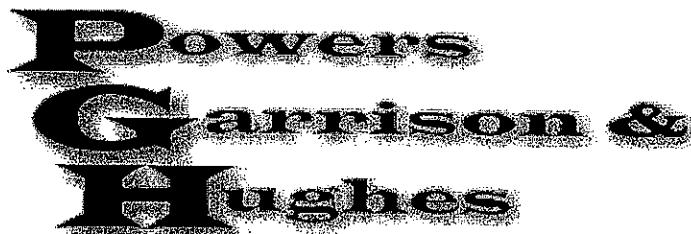


CONDENSED TRANSCRIPT

Deposition of: Robert G. Wycoff

September 17, 2003

Robert G. Wycoff vs.
Metropolitan Life Insurance Company



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September 17, 2003

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Page 1	Page 3
<p>1 IN THE COURT OF COMMON PLEAS OF 2 WESTMORELAND COUNTY, PENNSYLVANIA</p> <p>3</p> <p>4 ROBERT G. WYCOFF,) CIVIL DIVISION 5) Plaintiff,) No. 1011 of 2000 6) vs.) Deposition of 7)) ROBERT G. WYCOFF 8 METROPOLITAN LIFE) 9 INSURANCE COMPANY and) Filed on behalf of 10 KENNETH F. KACZMAREK,) the Defendants 11) 12 Defendants.) Counsel of Record for 13) this Party: 14) 15) Robert P. Lesko, Esq. 16) 17) McCarter & English 18) Four Gateway Center 19) 100 Mulberry Street 20) Newark, NJ 07102</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>REPRODUCTION OF THIS TRANSCRIPT IS PROHIBITED WITHOUT AUTHORIZATION FROM THE CERTIFYING AGENCY</p>	<p>1 I N D E X</p> <p>2</p> <p>3</p> <p>4</p> <p>5 WITNESS: ROBERT G. WYCOFF</p> <p>6</p> <p>7 E X A M I N A T I O N : P A G E</p> <p>8</p> <p>9 BY MR. LESKO 5</p> <p>10</p> <p>11 E X H I B I T S : P A G E</p> <p>12</p> <p>13 WYCOFF DEPOSITION EXHIBIT NO. 1 24</p> <p>14 WYCOFF DEPOSITION EXHIBIT NO. 2 65</p> <p>15 WYCOFF DEPOSITION EXHIBIT NO. 3 65</p> <p>16 WYCOFF DEPOSITION EXHIBIT NO. 4 65</p> <p>17 WYCOFF DEPOSITION EXHIBIT NO. 5 122</p> <p>18 WYCOFF DEPOSITION EXHIBIT NO. 6 128</p> <p>19 WYCOFF DEPOSITION EXHIBIT NO. 7 170</p> <p>20 WYCOFF DEPOSITION EXHIBIT NO. 8 171</p> <p>21 WYCOFF DEPOSITION EXHIBIT NO. 9 175</p> <p>22 WYCOFF DEPOSITION EXHIBIT NO. 10 190</p> <p>23 WYCOFF DEPOSITION EXHIBIT NO. 11 195</p> <p>24 WYCOFF DEPOSITION EXHIBIT NO. 12 218</p> <p>25 WYCOFF DEPOSITION EXHIBIT NO. 13 220</p>
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<p>1 DEPOSITION OF ROBERT G. WYCOFF 2 the Plaintiff herein, called by the Defendants 3 for examination, taken pursuant to the 4 Pennsylvania Rules of Civil Procedure, by and 5 before Kurt M. Ament, a Registered Professional 6 Reporter and a Notary Public in and for the 7 Commonwealth of Pennsylvania, at the law 8 offices of Thorp, Reed & Armstrong, 14th Floor, 9 One Gateway Centre, Pittsburgh, PA, on 10 Wednesday, September 17, 2003 at 9:27 a.m.</p> <p>11</p> <p>12</p> <p>13 COUNSEL PRESENT:</p> <p>14 For the Plaintiff:</p> <p>15 Behrend & Ernsberger 16 by Mark A. Bartholomaei, Esq.</p> <p>17 For the Defendants:</p> <p>18 McCarter & English 19 by Robert P. Lesko, Esq.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 E X H I B I T S : P A G E</p> <p>2</p> <p>3</p> <p>4 WYCOFF DEPOSITION EXHIBIT NO. 14 227</p> <p>5 WYCOFF DEPOSITION EXHIBIT NO. 15 234</p> <p>6 WYCOFF DEPOSITION EXHIBIT NO. 16 244</p> <p>7 WYCOFF DEPOSITION EXHIBIT NO. 17 247</p> <p>8 WYCOFF DEPOSITION EXHIBIT NO. 18 259</p> <p>9 WYCOFF DEPOSITION EXHIBIT NO. 19 261</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">Page 5</p> <p>1 PROCEEDINGS 2 3 4 ROBERT G. WYCOFF 5 the Plaintiff herein, having been first duly 6 sworn, was examined and testified as follows: 7 EXAMINATION 8 BY MR. LESKO: 9 Q. Mr. Wycoff, we introduced ourselves 10 just a moment ago before we went on the record. 11 For the record, let me introduce myself again. 12 My name is Robert Lesko. 13 I work for the law firm of McCarter 14 & English. We are counsel for the Defendant, 15 Metropolitan Life Insurance Company, in this 16 case. 17 A. Okay. 18 Q. Sir, have you ever had a deposition 19 taken before? 20 A. No, sir. 21 Q. Let me just explain briefly some 22 background in the deposition so it will go a 23 little bit smoother for us or insure that it 24 goes smoother for us. 25 This is a formal court proceeding.</p>	<p style="text-align: right;">Page 7</p> <p>1 R. Wycoff - by Mr. Lesko 2 It will give us an opportunity to do 3 a couple of other things. It will give you a 4 moment to digest the question, consider it and 5 make sure your answer is accurate to the best 6 of your ability. 7 Your attorney, seated to your left, 8 may also want to insert an objection and if you 9 pause for a second or two, that will give him 10 an opportunity to do that. If he does do that, 11 unless he directs you not to answer, you can go 12 ahead and answer the question. 13 If you have a problem with my 14 question in terms of not being able to 15 understand it, it's not clear, ask me for a 16 clarification. I will be glad to do that for 17 you. 18 If you don't ask for a 19 clarification, for all intents and purposes, we 20 will assume that you understood the question 21 and answered accurately 22 Is that fair? 23 A. Sounds fair enough to me. 24 Q. Once the transcript of our 25 proceeding here is compiled, it can be used in</p>
<p style="text-align: right;">Page 6</p> <p>1 R. Wycoff - by Mr. Lesko 2 notwithstanding the fact we are in an informal 3 setting here in the conference room. As you 4 see to your right and to my left between us is 5 a court reporter who is taking down everything 6 that we say. 7 I will be asking questions today, 8 and to the best of your ability, you will be 9 providing me with answers. The court reporter 10 is going to take down everything that we say. 11 Because he is taking down everything 12 that we say, it is important that we not talk 13 over each other or interrupt each other because 14 all we're going to have is a black and white 15 record. He has to get everything down on this 16 page so we can read it. 17 He can't take us down two at a time. 18 If we interrupt each other, then we -- the 19 answers might not be reflected correctly, the 20 question may not -- you may not fully 21 understand the question. 99 percent of the 22 time I will ask a question and before it is a 23 quarter of the way out of my mouth, you will 24 know the answer. Let me finish the question so 25 the record is clear.</p>	<p style="text-align: right;">Page 8</p> <p>1 R. Wycoff - by Mr. Lesko 2 the context of this litigation. It can be 3 introduced at trial for impeachment purposes or 4 to establish facts and for other purposes. 5 Because of that, because it is a 6 formal proceeding, and in light of the oath 7 that you just took, please be sure to provide 8 the most accurate answers that you can, another 9 reason just to take your time and make sure you 10 understand the question and can recall the 11 answer. 12 If you can't recall an answer, let 13 me know. It's perfectly okay. We don't expect 14 you to remember everything, especially back in 15 '91 or '94. 16 If you are estimating at a date or 17 an amount, something along those lines, please 18 let me know you are estimating because it may 19 not be clear that you're estimating once we 20 read the transcript whenever it is compiled. 21 As a general rule, I don't want you 22 to guess at answers because we want to make 23 sure you have accurate answers. There is a 24 fine line between estimating and guessing. 25 Just let us know how sure you are of a response</p>

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<p style="text-align: right;">Page 9</p> <p>1 R. Wycoff - by Mr. Lesko 2 if you are not sure. 3 Okay? 4 A. (Nods affirmatively.) 5 Q. All your responses need to be verbal 6 as opposed to a nod of the head or shrug of the 7 shoulders or um-hum or huh-uh so that the court 8 reporter can get it down. 9 A. Sure. I understand. 10 Q. If you need to take a break at any 11 time during the deposition, for any reason, you 12 just want to get some air, need to use the 13 bathroom, phone call, let me know. We can take 14 a break. 15 If there is a pending question, I'd 16 rather get the answer first and then take the 17 break. During the breaks, please do not 18 discuss with your attorney, or anyone else, the 19 contents of this litigation or the allegations 20 of this litigation or questions in the 21 deposition. 22 If you do, I might ask you what the 23 content of your conversations were. 24 Okay? 25 A. Outside of this room? Did you say</p>	<p style="text-align: right;">Page 11</p> <p>1 R. Wycoff - by Mr. Lesko 2 you. 3 MR. LESKO: Okay. Great. 4 Thank you very much. 5 MR. BARTHOLOMAEI: Sure. 6 Q. Before we get started, do you have 7 any questions for me, Mr. Wycoff, about the 8 deposition? 9 A. Not really. I'm ready to answer 10 whatever you ask. 11 Q. Okay. 12 A. To the best of my ability. 13 Q. Let's get going, then. Did you 14 bring with you, other than these four pages, 15 which are marked for the record RGW 00148 16 through 151, did you bring any other materials 17 with you today? 18 A. No, sir. 19 Q. Did you meet with -- back up: Have 20 you ever been a party to any other lawsuit? 21 A. No, sir. 22 Q. Did you meet with anybody or discuss 23 this deposition with anybody in preparation for 24 today's testimony? 25 A. Outside of the law firm?</p>
<p style="text-align: right;">Page 10</p> <p>1 R. Wycoff - by Mr. Lesko 2 that? 3 Q. Once this proceeding begins, until 4 it's concluded, you're not permitted to speak 5 with your attorney about this case, with one 6 exception: If you think I ask you a question 7 and the answer would require you to disclose 8 attorney/client privileged information, 9 communications between yourself and information 10 you learned from your attorney, for example, 11 you can discuss that with your attorney to 12 determine whether or not that privilege 13 applies. 14 Then if it does, Mr. Bartholomaei 15 will instruct you not to answer, I am sure. 16 A. Very good. 17 MR. BARTHOLOMAEI: Mr. Lesko, 18 before we start, I just wanted to give you 19 these four pages. Mr. Wycoff, in going through 20 some of his things, has located or actually not 21 for the first time, Mr. Wycoff went and made 22 some photocopies of his awards that he won. 23 These are photocopies of trophies 24 that he put on a photocopy machine. He just 25 wanted us to bring them in and give them to</p>	<p style="text-align: right;">Page 12</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. Yes. 3 A. No, sir. 4 Q. Did you meet with your lawyers in 5 preparation for the deposition? 6 A. From time to time, yes. 7 Q. How many meetings did you have? 8 A. I really don't know. I didn't count 9 the envelopes I received. But it didn't have 10 anything -- not pertaining to the speaking of 11 points of the deposition, but scheduling. 12 Q. Okay. I understand. Did you meet 13 with them at any point to discuss what your 14 testimony might be today? 15 A. Once. With Barbara Ernsberger. 16 Q. When was that? 17 A. I didn't bring that information with 18 me. 19 Q. Best you can recall? Last week? 20 Last month? 21 A. Two weeks, two and a half weeks ago. 22 Q. How long was that meeting, if you 23 recall? 24 A. Well -- 25 Q. Approximately?</p>

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<p style="text-align: right;">Page 13</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. 20 minutes. That's an estimate. 3 Q. Did Ms. Ernsberger show you any 4 documents during that meeting? 5 A. No, she did not. 6 Q. Okay. 7 A. No, she did not. 8 Q. Did you discuss -- you might have 9 answered this already. I apologize. I may 10 forget answers along the course of the 11 deposition. If you already answered, help me 12 out and tell me what you said: 13 Did you meet with anybody else other 14 than your attorneys? 15 A. No, sir. 16 Q. Did you discuss this deposition with 17 anybody else over the near term? 18 A. No, sir. 19 Q. I assume you graduated from high 20 school, Mr. Wycoff? 21 A. That's right. 22 Q. What high school did you graduate 23 from? 24 A. Braddock High School. 25 Q. When was that?</p>	<p style="text-align: right;">Page 15</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. How long were you in that? 3 A. I got out in December of '46. 4 December of '46 and enlisted in the Reserves 5 then for three years, starting in January of 6 1947. 7 Q. What was your job in the Army Air 8 Corps? 9 A. I was a mechanic. 10 Q. Anything else? 11 A. We were supposed to go -- we didn't 12 get there, but we were supposed to go to 13 gunnery school. We had an epidemic of scarlet 14 fever out in Colorado. So that put the skids 15 to that for about three months. 16 Q. So your only job in the Air Corps 17 was a mechanic? 18 A. Yes, sir. 19 Q. You fixed planes? 20 A. Yes, sir. Airplane and engine 21 mechanic is what it was called. Our MO was 22 747. MOS, rather. MOS 747. 23 Q. After the Army Air Corps, you said 24 you joined the Reserves? 25 A. Yes, sir. Army Air Corps Reserves.</p>
<p style="text-align: right;">Page 14</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. 1944-'45. I was what they called a 3 mid year. They had mid year that instead of 4 everybody graduated in May, they had some 5 graduate at the end of the summer. 6 We took classes ahead of time, 7 because I was in the service then. So there 8 was a handful of us. Some in the Navy, some in 9 the Marines. I was in the Air Corps. 10 Q. Was it Reserves or active duty? 11 A. I signed up in June of '44. We knew 12 we were going to be taken. 13 Q. I see. 14 A. So we sort of doubled up, more or 15 less, our studies. 16 Q. So you graduated before you actually 17 left? 18 A. Right. Our commencement was 19 actually held the following May. I was already 20 gone. 21 Q. So you said you were in the Air 22 Corps? 23 A. Army Air Corps. 24 Q. That was in 1944-'45? 25 A. Right.</p>	<p style="text-align: right;">Page 16</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. How long did you remain in the 3 Reserves? 4 A. Three years. 5 Q. After you ceased active duty in the 6 Army Air Corps, did you attend any further 7 education, college or anything of that sort? 8 A. Went to -- I was hired by U.S. Steel 9 and went through their apprentice machinist -- 10 machinist apprentice program. I started there 11 in 1948, I believe in March of '48, and got out 12 in, I think, November of '52. I received my 13 papers at that time. 14 Q. Sorry to interrupt you. When you 15 say papers, what do you mean by that? 16 A. Machinist's diploma. You get like a 17 diploma. 18 Q. Okay. 19 A. At that time, you are a machinist 20 starting. You go from a machinist starting -- 21 after about six months, you go to machinist 22 intermediate. After another six months, you go 23 to machinist standard, which, in their terms, 24 is a top-rated machinist. 25 So it takes a year -- from the time</p>

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<p style="text-align: right;">Page 17</p> <p>1 R. Wycoff - by Mr. Lesko 2 you get your machinist's diploma until you 3 become a machinist standard, a year goes by. 4 Q. Okay. Subsequent to obtaining your 5 machinist diploma, did you take any further 6 education courses? 7 A. Not at that time, no. 8 Q. At any time since then, have you? 9 A. Yes, sir. We took several courses, 10 management courses within U.S. Steel's program. 11 They had that set up for employees, and for 12 machinists. 13 I was in process engineering for a 14 while, management, I was an instructor, 15 machinist instructor, and also then I went to 16 Community College of Allegheny County, the 17 south campus. That's located in West Mifflin. 18 I went there for oral communication. 19 That was Oral Communication 1 and Oral 20 Communication 2. 21 Q. You said that that -- U.S. Steel set 22 up a program for you at the University of 23 Pittsburgh? 24 A. Yes. It was through them to -- in 25 order to be an apprentice instructor, to go</p>	<p style="text-align: right;">Page 19</p> <p>1 R. Wycoff - by Mr. Lesko 2 take a little bit longer, due to either layoffs 3 or strike. 4 Q. I think you mentioned also something 5 having to do with management. Is that -- that 6 you had some management training? 7 A. Management classes, right. 8 Q. Who offered the management classes? 9 A. U.S. Steel. 10 Q. So that was? 11 A. Within the company. 12 Q. What kind of subjects were covered 13 in your management classes? 14 A. Oh, how to deal with your skills 15 that you have in the shop. You know, it's not 16 like being in an office. Skills, getting the 17 most out of your employees, how to treat them 18 right, tell them what their responsibilities 19 are, what your responsibilities are, get them 20 to cooperate. We pretty much did that. 21 Q. Did you have any finance courses in 22 connection with that management training? 23 A. Finance courses? 24 Q. Yes. Having to do with company 25 budgets?</p>
<p style="text-align: right;">Page 18</p> <p>1 R. Wycoff - by Mr. Lesko 2 through vocational education classes at the 3 University of Pittsburgh. 4 This was night school. So about 5 6:20 -- I remember the hours very vividly -- 6 6:20 in the evening until about 10:20 at night. 7 This is just an estimate now: I remember twice 8 a week, twice a week, and then some weeks it 9 was three times a week. But that was rarely. 10 Q. You did that for about three years; 11 is that right? 12 A. Yes. 13 Q. You listed, in responses to 14 Interrogatories, U.S. Steel machinist 15 apprentice graduate. 16 Is that what you mentioned before, 17 what resulted in your machinist diploma? 18 A. Yes, sir. 19 Q. All right. 20 A. The machinist apprentice program 21 takes approximately four years. It might vary, 22 due to, during the course of the four years, if 23 you would be laid off for a month or two 24 months, then that puts you back. Longevity 25 time may take longer. Won't take less, but may</p>	<p style="text-align: right;">Page 20</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. No, sir. 3 Q. Or raising funds, anything like 4 that? 5 A. No, sir. 6 Q. Did you have any math courses in 7 connection with your management classes? 8 A. We had math courses within the 9 machinist apprentice program, yes. 10 Q. What kind of math courses? 11 A. Trade theory, geometry, trig and 12 basic math, measurements. 13 Q. Have you ever taken any probability 14 and statistics courses? 15 A. No. 16 Q. What about accounting type courses? 17 A. Accounting? When I was with -- this 18 goes way back. This goes to what was called 19 Business Training College, BTC, which I think 20 eventually became Point Park College. 21 Q. Okay. 22 A. God. I completely forgot about 23 that. 24 Q. When was that? When did you go to 25 Business Training College?</p>

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<p style="text-align: right;">Page 21</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. I was only there, if I was there a 3 year. This was before I even started with U.S. 4 Steel. 5 Q. So after you returned from active 6 duty in the service? 7 A. Yes, right. It was in accounting. 8 But it really -- I was pushing myself to go to 9 class. It really wasn't my cup of tea, I guess 10 you call it. I am good with my hands. So it 11 really wasn't -- I guess my realization was 12 that accounting wasn't going to be for me. I 13 went from there then and hooked up with U.S. 14 Steel. 15 Q. Was Business Training College a 16 four-year college or two-year college? 17 A. I believe that was two years at that 18 time. 19 Q. So when you started, you had in mind 20 a two-year degree in accounting; is that right? 21 A. In the end? 22 Q. Right. That's what you were going 23 for? 24 A. Right. One of the fellows that was 25 in our class that I remember was a gentleman</p>	<p style="text-align: right;">Page 23</p> <p>1 R. Wycoff - by Mr. Lesko 2 course while you were at Business Training 3 College? 4 A. Right. 5 Q. Did you have -- 6 A. Very minimal I call that, from what 7 I can remember. 8 Q. Can you recall any other courses 9 that you had while you there? 10 A. No. 11 Q. Were you going full-time at the 12 time? 13 A. I can't even remember that. That's 14 been so long ago. I completely forgot about 15 going there, until you asked that question. 16 Q. Do you remember whether you went to 17 classes during the day or at night? 18 A. Daytime. 19 Q. You were not working at U.S. Steel 20 at the time, were you? 21 A. No. 22 Q. You also received a certificate in 23 industrial -- in the industrial studies program 24 at U.S. Steel; is that right? 25 A. Yes, sir.</p>
<p style="text-align: right;">Page 22</p> <p>1 R. Wycoff - by Mr. Lesko 2 that eventually became manager of a Mellon Bank 3 years down the road; not after he got 4 graduated, but on down the road. 5 Q. Okay. 6 A. He went there two years. Accounting 7 and what's the other thing? Problems on 8 Democracy or something like that. 9 Q. Political science? 10 A. Not political science. What was the 11 name of that other course? I can't remember. 12 But there was another course. Had something to 13 do with -- we used to call them Problem Solving 14 on Democracy, POD. It was something similar, 15 like we had in high school. Civics. 16 Q. So you just took the two courses, 17 Accounting and Problems on Democracy while you 18 were there? 19 A. That was part of the course. 20 Q. The curriculum? 21 A. Right. I mean, it wasn't a course 22 from that. 23 Q. I see. 24 A. It was a class within. 25 Q. But you did have an accounting</p>	<p style="text-align: right;">Page 24</p> <p>1 R. Wycoff - by Mr. Lesko 2 MR. LESKO: Let's go ahead and 3 mark this as Exhibit 1, please. 4 (Wycoff Exhibit No. 1 was 5 marked for identification.) 6 Q. Can I see that back just for a 7 moment. I'll give it right back. I didn't 8 make a copy for myself. 9 There are two certificates on this 10 sheet marked as Exhibit 1. I call them 11 certificates. Maybe there is another name for 12 them. 13 They essentially indicate that you 14 had successfully completed a course in 15 Transactional Analysis, fall of 1975, and a 16 course in Modern Supervision, spring of 1973. 17 Is that right? 18 A. Um-hum. That's correct. 19 Q. Do you recall what the Transactional 20 Analysis course consisted of? 21 A. Well, had to do with machine 22 operations. At that time, we had a lot of new 23 machinery in the shop that had readouts on 24 them. 25 Q. That had?</p>

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<p>1 R. Wycoff - by Mr. Lesko</p> <p>2 A. Readouts on them for vertical,</p> <p>3 horizontal, longitudinal readings,</p> <p>4 calibrations. So in order to understand the</p> <p>5 procedure of these machine operations and</p> <p>6 setups, and how these were to involve -- when</p> <p>7 you were machining on these machines, not all</p> <p>8 the machines had these readouts, but primarily</p> <p>9 most of the machines did.</p> <p>10 So we had to know how to program --</p> <p>11 not exactly program the machine, but program</p> <p>12 the machine in the operations to know like, on</p> <p>13 down the line -- in the course of mill work,</p> <p>14 there are a lot of breakdowns. What I mean is</p> <p>15 outages. So you have to determine which</p> <p>16 machine operations should be done first on what</p> <p>17 machine.</p> <p>18 So this all, more or less, entered</p> <p>19 into it.</p> <p>20 Q. So then the phrase Transactional</p> <p>21 Analysis or title Transactional Analysis had</p> <p>22 nothing to do with financial transaction --</p> <p>23 A. No.</p> <p>24 Q. Anything to do with budgeting?</p> <p>25 A. This was strictly -- any of these</p>	<p>Page 25</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 include training --</p> <p>3 A. What machine would go on first. One</p> <p>4 job didn't have to go on one machine and then</p> <p>5 leave. It went from -- they would do certain</p> <p>6 machine operations on this one machine. Then</p> <p>7 go to another machine to continue operations on</p> <p>8 it. So you had to coordinate this.</p> <p>9 Q. Were you trained in cost benefit</p> <p>10 analysis during that Transactional Analysis</p> <p>11 course?</p> <p>12 A. No. We were strictly -- had to do</p> <p>13 with machining operations as quickly as</p> <p>14 possible.</p> <p>15 Q. Were you trained in time cost</p> <p>16 analysis?</p> <p>17 A. No. We had estimators that came in</p> <p>18 to estimate certain machines. I guess you</p> <p>19 would call it time study.</p> <p>20 Q. Okay.</p> <p>21 A. They would come in and time study</p> <p>22 certain machines to set a rate for a machine.</p> <p>23 So once they determined certain machine</p> <p>24 operations on certain machines, enough that</p> <p>25 they were able to establish a pattern, then</p>
<p>1 R. Wycoff - by Mr. Lesko</p> <p>2 courses had to do with working in the shop,</p> <p>3 working in the machine shop.</p> <p>4 Q. The actual operations in the machine</p> <p>5 shop?</p> <p>6 A. That's correct.</p> <p>7 Q. As opposed to the economics of</p> <p>8 operating the machine shop?</p> <p>9 A. I would say so, yes. As far as we</p> <p>10 tried to get the job done as smoothly and as</p> <p>11 quickly as possible because when a mill is</p> <p>12 down, that's lost money to that mill. That's</p> <p>13 lost wages to the men that work there. You</p> <p>14 know, some of them had to leave to go home.</p> <p>15 They couldn't stay there on the job because</p> <p>16 they weren't able to do their job.</p> <p>17 Until we get part of this operation</p> <p>18 or this machine -- the equipment machined</p> <p>19 properly and get it back on line again, then</p> <p>20 those men could be called back to work.</p> <p>21 That's why we had to determine which</p> <p>22 had the higher priority of the jobs that came</p> <p>23 into the shop.</p> <p>24 Q. Did the training regarding</p> <p>25 determining the priority of jobs, did that</p>	<p>Page 26</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 they were able to complete the time study and</p> <p>3 then allow a standard to set up saying when</p> <p>4 this job comes in, this job, we estimate, will</p> <p>5 take so long to do when you have certain</p> <p>6 machine operations to do.</p> <p>7 The next time that job comes in, it</p> <p>8 may not require the same amount of time to</p> <p>9 machine it because there may not be as many</p> <p>10 steps to complete. But you had a basic,</p> <p>11 standard guideline that you were to follow.</p> <p>12 Not us, the time-setting men.</p> <p>13 Q. Okay.</p> <p>14 A. Okay?</p> <p>15 Q. So the time study men would provide</p> <p>16 you the guidelines?</p> <p>17 A. They would put the time on the job.</p> <p>18 In other words, require time that the job,</p> <p>19 under these machine operations, normal machine</p> <p>20 operations, when the job should be done.</p> <p>21 Q. Then somebody would have to make a</p> <p>22 determination as to which job goes first so as</p> <p>23 to make the process as efficient as possible?</p> <p>24 A. As soon as they come into the shop.</p> <p>25 Some jobs, even though they may have a higher</p>

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<p style="text-align: right;">Page 29</p> <p>1 R. Wycoff - by Mr. Lesko 2 priority over other jobs, they may not be in 3 the shop yet. But you just can't let that 4 other job that has less priority just set 5 there. So you got to start machining that, you 6 know. We had to be very critical of time 7 because, you know, if the mill is down, steel 8 production is...</p> <p>9 Q. Somebody had to make the decisions 10 as to what jobs to put on the machines at any 11 given time?</p> <p>12 A. That's right. Every turn did work 13 eight hours. We worked three turns: daylight, 14 afternoon, nightturn. Every turn would be 15 reached by the previous turn of what they were 16 doing, what was coming in, what machine was 17 operating. You know, just where you stood.</p> <p>18 Q. That Transactional Analysis training 19 course, was that the kind of stuff that was 20 taught to you?</p> <p>21 A. Yes. This and modern supervision.</p> <p>22 Q. Sorry? What was the second part?</p> <p>23 A. Modern supervision. It all works 24 in.</p> <p>25 Q. Were all machinists required to take</p>	<p style="text-align: right;">Page 31</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. I nodded my head yes. 3 Q. Thank you. I forgot to remind you. 4 A. These were very good studies, by the 5 way. 6 Q. Beg your pardon? 7 A. They were very good studies, by the 8 way. 9 Q. Good courses, good classes? 10 A. Yes. 11 Q. So I take it from our discussion so 12 far that once you returned from the Army Air 13 Corps and decided that accounting at the 14 Business Training College wasn't for you, you 15 started at U.S. Steel? 16 A. Yes, sir. 17 Q. Your position was machinist 18 apprentice; is that right? 19 A. That's correct. 20 Q. Are you retired now, sir? 21 A. From U.S. Steel? 22 Q. Yes. 23 A. Yes. 24 Q. When did you retire from U.S. Steel? 25 A. November of 1983.</p>
<p style="text-align: right;">Page 30</p> <p>1 R. Wycoff - by Mr. Lesko 2 those courses? 3 A. No. 4 Q. Was it a voluntary program? 5 A. This had nothing to do with the 6 machinist program, this (indicating). 7 Q. What did it have to do with? 8 A. Just what we were talking about. 9 Q. That was a voluntary program? 10 A. Yes, sir. 11 Q. Were you selected to participate in 12 those programs? 13 A. Well, they requested it. 14 Q. The company requested that you 15 participate in those training programs? 16 A. Right. 17 Q. Do you know why they requested you 18 to participate in those? 19 A. Well, I can't say for sure, but I 20 would imagine they wanted to make sure we had 21 the right stuff. 22 Q. So you were targeted as supervisor 23 material; is that right? 24 A. (Nods affirmatively.) 25 Q. Okay.</p>	<p style="text-align: right;">Page 32</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. Congratulations! That's great. 3 A. Thank you. 4 Q. Between the time you started as a 5 machinist apprentice in 1983, did you work 6 continuously with U.S. Steel? 7 A. On strike -- naturally, I had to 8 raise a family so you try to work. 1959 -- I 9 take that back. I'm not sure of the year. But 10 we worked for Bethlehem Steel Works in Rankin 11 4:30 to one o'clock in the morning, the 12 afternoon shift. 13 We were on strike with U.S. Steel 14 and went to work for Bethlehem in their machine 15 shop. That was a deadman's turn: 4:30 to one. 16 My wife hated it. 17 Q. How long did you do that for, 18 approximately? 19 A. I think about one week shy of a year 20 That's how I remember that. 21 Q. Then you returned to U.S. Steel 22 then? 23 A. Yes. After the strike was over. 24 Q. Your position at Bethlehem was the 25 same or similar --</p>

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<p>1 R. Wycoff - by Mr. Lesko 2 A. Machinist. 3 Q. Any other interruptions in your 4 employment with U.S. Steel? 5 A. I am trying to think how many 6 strikes I was involved in. 7 Q. Let me ask it this way: During your 8 time with U.S. Steel, did you work in any other 9 position, other than a machinist? 10 A. Machinist instructor for U.S. Steel. 11 Apprentice. 12 Q. All right. Excluding U.S. Steel for 13 the moment, from the time you started with U.S. 14 Steel until the time you retired in 1983, did 15 you work for any other company other than as a 16 machinist? 17 A. Other? 18 Q. Yes. 19 A. Than a machinist? 20 Q. Yes. 21 A. No. 22 Q. Now, during your employment with 23 U.S. Steel, subsequent to attaining the level 24 of machinist standard, did you hold any other 25 positions with the company? I think you just</p>	<p>Page 33</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. Turn foreman. Oh. Well, they gave 3 us the title, but it -- it had to do -- I was 4 involved in scheduling. So they had me as -- 5 their term, process engineer, and I did the 6 scheduling of the apprentices, because I was 7 their instructor, one of their instructors. 8 Q. Okay. 9 A. So I had to fit them into the 10 schedule, the weekly schedule. So we made -- 11 every week we made the schedule out for the 12 apprentices: their school, who was going to go 13 to school, who was going to work on what 14 machine to get their required amount of hours 15 on the machine. 16 We had a form that showed the 17 different stages of the machinist apprentice 18 program, and what we determined was the 19 required amount of hours in a column and it was 20 like an itemized program, so we tried to stick 21 as close to this, use this as a guideline: so 22 many hours here, 1800 hours here, 900 hours 23 here. You know, something like that. 24 We tried to stick with that. I had 25 to keep track of these hours on the machine</p>
<p>1 R. Wycoff - by Mr. Lesko 2 mentioned machinist instructor? 3 A. Um-hum. 4 Q. And was -- were you also a machinist 5 at the time? 6 A. Yes, sir. 7 Q. When did you start as a machinist 8 instructor, roughly? 9 A. 1972, I believe. This is just an 10 estimate, now. I can't remember. 11 Q. That's okay. 12 A. I was trying to remember what kind 13 of car I was driving at that time. That gives 14 me the year. I know I had a 1974 Pontiac. 15 That was new. I was an instructor before 16 that. So it had to be before 1974. 17 Q. About how long did you hold that 18 position? 19 A. Again, I am going back to the car I 20 was driving. 21 Q. Was it until -- 22 A. Probably three years; three to four 23 years. That would be about it. 24 Q. Other than machinist instructor, did 25 you hold any other titles?</p>	<p>Page 34</p> <p>1 R. Wycoff - by Mr. Lesko 2 apprentice so they wouldn't -- some didn't get 3 too few hours here and some get too many here. 4 Q. Okay. 5 A. Tried to coordinate that. 6 Q. You mentioned also -- I think you 7 said turn foreman? 8 A. Yes, sir. 9 Q. What is a turn foreman? 10 A. Turn foreman, you are in charge of 11 the shop. We are talking about the machine 12 shop. I have to speak in those terms. 13 You are in charge of the machine 14 shop for the eight hours that you are out 15 there. You're in charge of all the machining 16 operations. You're in charge of all the -- 17 responsible for all the men that are there: 18 machinists, machine operators, helpers, 19 material handlers. You are responsible for 20 that. You're in charge. You make the 21 decisions. 22 Q. Any other positions? 23 A. That's it. 24 Q. With the company? 25 A. That's it.</p>

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<p style="text-align: right;">Page 37</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. You also told us in your responses 3 to Interrogatories, you worked with the Cauley 4 Detective Agency? 5 A. Yes, sir. 6 Q. As a security guard; is that right? 7 A. Yes. 8 Q. It also notes here receptionist, 9 Duquesne Light, executive offices. Is that 10 where you were stationed as a security guard? 11 A. Yes, sir. 12 Q. Did you also serve as the 13 receptionist? 14 A. Yes, sir. 15 Q. That was between 1987 and 1997; is 16 that right? 17 A. Yes, sir. 18 Q. From '97 to the present, you worked 19 for Firm Security Systems? 20 A. That's correct. 21 Q. As a security guard? 22 A. Yes, sir. 23 Q. Were you an employee of Cauley? You 24 didn't own the company? 25 A. No. I was an employee of Cauley</p>	<p style="text-align: right;">Page 39</p> <p>1 R. Wycoff - by Mr. Lesko 2 the rest room. She said, "My, God, they showed 3 me steps leading down to what looked like a 4 dungeon," and she said, "I turned right around 5 and I came right back up and I told the 6 gentleman there, 'Sorry, but I have to leave. 7 I am no longer going to work here.'" Out the door she went. 8 Q. And that was it. 9 A. Another time was over at Kennywood. 10 She went over there and thought just to give 11 her something to do. I guess she was getting 12 bored just being a homemaker. This was after 13 the family had been grown, naturally. They put 14 her over there. 15 The first job they gave her was to 16 clean out a popcorn machine. You can imagine, 17 after popping popcorn for God knows how many 18 times during the course of the day. I guess it 19 is thickly coated in areas. Maybe the person 20 that cleaned it prior to her didn't get into 21 the corners properly. 22 She cleaned this popcorn machine but 23 that was it for her for Kennywood. That was 24 the extent of my wife's outdoor activities, so</p>
<p style="text-align: right;">Page 38</p> <p>1 R. Wycoff - by Mr. Lesko 2 Detective Agency. 3 Q. You are an employee of Firm Security 4 Systems, as well? 5 A. That's right. 6 Q. You don't have any ownership 7 interest in that? 8 A. No, sir. 9 Q. Mr. Wycoff, did you ever, or at any 10 time, during your career after your active 11 services in the Army Air Corps, obtain a 12 license, professional license, to sell real 13 estate, for example? 14 A. No, sir. 15 Q. No professional license to sell 16 securities or insurance, I take it, either? 17 A. None whatsoever. 18 Q. What is your wife's occupation? I 19 assume you're married? 20 A. Housewife, homemaker. 21 Q. Did she ever work outside of the 22 home since you have been married? 23 A. Well, you are going to laugh at 24 this. She worked for one day in a bookstore. 25 During the course of that day, she had to go to</p>	<p style="text-align: right;">Page 40</p> <p>1 R. Wycoff - by Mr. Lesko 2 to speak. 3 Q. You have children? 4 A. Yes. 5 Q. How many children do you have? 6 A. Five. 7 Q. Boys? Girls? 8 A. Three boys, two girls. 9 Q. What are their names? 10 A. Robert David, Barry George, James 11 Thomas, Donna Lee and Michele Marie. Michele 12 one L. That's the French way, the real way. 13 The real Michele. 14 Q. Good, healthy family, five kids? 15 A. Yes, sir. Thank you. 16 Q. They're all grown and out of the 17 house now, I take it? 18 A. Yes. 19 Q. Did all of your children attend 20 college? 21 A. No. The reason why I hesitated 22 there for a bit, the one boy decided not to 23 attend. He decided to be a steamfitter 24 instead. 25 Q. Okay.</p>

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<p style="text-align: right;">Page 41</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. That was our youngest son. The 3 older son, Robert, did attend the University of 4 Dayton. 5 Q. Did he graduate? 6 A. Yes, sir. 7 Q. What was his degree in? Do you 8 know? 9 A. Business administration and 10 computer. 11 Q. Computer science? 12 A. Something like that. 13 Q. How about Barry? Did he attend 14 college? 15 A. No. Barry was an auto mechanic. He 16 had schooling. He went to schools from Saab 17 schooling. He also had schooling -- he worked 18 for Bell South when he was living down in Fort 19 Lauderdale. 20 He probably had schooling down there 21 I'm not sure just exactly how much he had. 22 Q. James is a steamfitter? 23 A. Steamfitter, yes, sir. 24 Q. How about Donna? Did she attend 25 college?</p>	<p style="text-align: right;">Page 43</p> <p>1 R. Wycoff - by Mr. Lesko 2 and she's had some kind of medical training? 3 A. Right. I would call it a clinic, 4 rather than a doctor's office. 5 Q. Is she a nurse? 6 A. If you want to check on it, you 7 might be able to find out. I don't even think 8 my wife would know the name of it. My wife is 9 not good with names, either. 10 Q. But did she attend college for that? 11 A. No, no. 12 Q. She attended some kind of 13 vocational? 14 A. Medical studies. 15 Q. How about Michele, with one L? 16 A. No. Michele she works at a housing 17 complex down in Lockwall, Texas. She has to do 18 with like when families move in to an apartment 19 complex, she has to go in there. 20 I guess she is some sort of 21 maintenance coordinator, I guess you would call 22 it, where she checks on what's needed to be 23 done in an apartment. When people move out 24 before the next family or occupancy moves in, 25 she goes in and checks what has to be done. Do</p>
<p style="text-align: right;">Page 42</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. Donna is -- you would have to help 3 me on this. She works for a group of doctors 4 where she takes information down, medical 5 information down over -- through headphones, or 6 through -- I guess the doctors talk to them 7 through a cassette. Whatever you call that. 8 There is a word for it. It is a terminology. 9 Something graphy. I forgot. 10 Q. Stenography? 11 A. No, not stenography. Has to do with 12 medical terms. She sees patients that come 13 into this clinic, like, okay, and I don't know 14 how many doctors. They're associated with this 15 clinic. She takes down information. It has to 16 do with prescriptions, medications. 17 Now, she is not the only one there. 18 I think there's maybe three or four other women 19 that do the same thing as Donna. She had to go 20 to school for that. You know, for that. 21 Q. It's not a secretary? 22 A. No, no. Has nothing to do with -- I 23 think everything she does is on the computer, 24 keyboard. 25 Q. So she works in a doctor's office</p>	<p style="text-align: right;">Page 44</p> <p>1 R. Wycoff - by Mr. Lesko 2 the walls need to be painted? They probably 3 paint it every time somebody moves out. How is 4 the carpet? You know, she checks on that. 5 She takes care of the swimming 6 pools, two swimming pools. That, I know. 7 Q. An apartment manager? 8 A. No. Not per se. I think she works 9 in unison with the complex manager. 10 Q. Okay. 11 A. What her exact title is, I don't 12 know. 13 Q. That's good. What is Robert's 14 occupation? 15 A. Dave is a senior -- I hope I have 16 his card here. He just got a new card. Senior 17 process -- it is more than a process -- maybe 18 you can help me on this. He goes into a 19 company and sees what they need for software 20 and then he tells them what software they're to 21 use. 22 Q. Is he a consultant? 23 A. Senior consultant, yes. 24 Q. Computer consultant? 25 A. Right. He designs or initiates the</p>

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1	R. Wycoff - by Mr. Lesko	1	R. Wycoff - by Mr. Lesko
2	software. He is going to kill me. He is going	2	MR. LESKO: Fair enough.
3	to say, "He asked you for the damn card and you	3	Q. Do you own any securities, any
4	didn't have one."	4	stock?
5	Q. Do any of your children own all or	5	A. No, sir.
6	part of their businesses?	6	Q. Do you own any bonds?
7	A. No. At this time, no.	7	A. No, sir.
8	Q. Have they ever?	8	Q. Have you ever owned stocks or bonds?
9	A. Barry did. He had an auto garage,	9	A. Yes, sir.
10	auto repair garage.	10	Q. When was the last time you owned
11	Q. How big was the garage or how many	11	stocks or bonds?
12	employees?	12	A. When I was still working for U.S.
13	A. Employees? Two.	13	Steel. I owned stock.
14	Q. Has anybody in your family ever	14	Q. Did you hold the stock in a
15	sought or attained a professional license to	15	retirement account?
16	sell real estate or securities or insurance?	16	A. I don't know what you determine as
17	A. No, sir.	17	that. It was the withdrawal from our wages. I
18	Q. Does anybody in your family or any	18	can't even recall the amount that was withdrawn
19	of your friends work for an insurance company?	19	-- but we would purchase a certain percentage
20	A. No, sir.	20	of stock every pay.
21	Q. Do you have any friends or family	21	Q. Was that U.S. Steel stock?
22	that sell insurance?	22	A. Yes.
23	A. Do I have friends of family --	23	Q. Have you ever owned stock other than
24	Q. Friends or family that sell	24	U.S. Steel?
25	insurance?	25	A. I am trying to remember the name of
1	R. Wycoff - by Mr. Lesko	1	R. Wycoff - by Mr. Lesko
2	A. No, sir.	2	the company. I got burned on that sucker. It
3	Q. I am going to assume, Mr. Wycoff,	3	had something to do with -- no, it wasn't. No,
4	that you have some bank accounts; is that	4	no. It wasn't that stock.
5	right? Checking and savings account?	5	Q. Well, that stock that you can't
6	A. Um-hum.	6	remember the name of, how did you buy it?
7	Q. You have both checking and savings	7	A. Stock market. They advertised it --
8	accounts?	8	I heard it from a couple of other foremen at
9	A. Checking.	9	work. They said it seems like it is a good --
10	Q. Just a checking?	10	had something to do with the space program.
11	A. Yes, sir.	11	The reason why I hesitated on the
12	Q. Do you have any investment accounts,	12	stock, it wasn't Rockwell stock, but it had
13	such as an IRA or 401-K or some kind of	13	something to do with the Rockwell name. Either
14	retirement savings account?	14	Rockwell was -- one of the Rockwells was in
15	A. No, sir.	15	management of this company, and it had to do
16	Q. Do you have any other investment	16	with -- and I can't remember the name of the
17	accounts, such as mutual funds?	17	damn thing.
18	A. No, sir.	18	Q. You bought the stock independently?
19	MR. BARTHOLOMAEI: Objection to	19	A. \$200 worth of stock. That's all it
20	form. Only reason I say that, I don't think	20	was.
21	there's any testimony that he has any	21	Q. Through a broker?
22	investment accounts.	22	A. Yeah.
23	MR. LESKO: I said other	23	Q. Other than that stock, no other
24	investment accounts.	24	stock?
25	MR. BARTHOLOMAEI: All right.	25	A. That's it.

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<p style="text-align: right;">Page 49</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. Never owned any other stock? 3 A. No, sir. 4 Q. The U.S. Steel stock, did that ever 5 pay you a dividend? 6 A. Did that ever pay me a dividend? I 7 don't believe. 8 Q. Is it possible you might have 9 received a dividend that was automatically 10 reinvested in more U.S. Steel stock? 11 A. I really can't remember. 12 Q. You don't know? 13 A. No. 14 Q. What did you do with the U.S. Steel 15 stock? Did you sell it? 16 A. I cashed it in to have home 17 improvements. 18 Q. About how long ago was that? Was 19 that right around the time you retired or 20 sometime before that? 21 A. Prior to me retiring. Prior to me 22 selling my home. 23 Q. Who prepares your tax returns? 24 A. I did myself for a while for a 25 handful of years.</p>	<p style="text-align: right;">Page 51</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. I produced an insurance policy. I 3 don't understand what you mean by papers. 4 Q. Well, I am including the insurance 5 policies in that question. You produced 6 insurance policies, you produced some annual 7 statements, you produced some letters between 8 MetLife and yourself; things of that nature. 9 A. I can make a statement that I tried 10 to produce everything that you were asking. 11 Q. I understand. 12 A. So if those papers were among what I 13 produced... 14 Q. Right. I am trying to establish 15 whether or not you recall producing those 16 documents, actually gathering them and 17 providing them to your attorneys? 18 MR. BARTHOLOMAEI: He is not 19 saying you did anything wrong. He is just 20 asking you if you remember giving them to us. 21 A. Yes. If you are trying to pinpoint 22 how many times I did this -- 23 Q. No. Here's what I'm getting at: I 24 was going to ask you where did you get the 25 documents from? Where did you keep them?</p>
<p style="text-align: right;">Page 50</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. All right. 3 A. Up until the time that I -- the year 4 it was necessary for me to put down about the 5 bonds, or the stock, rather. That's when I 6 went to H & R Block. From that time on, I went 7 to H & R Block. 8 Q. Okay. Have you ever consulted a 9 financial adviser or financial planner? 10 A. No, sir. 11 Q. Do you know anybody who works as a 12 financial planner? 13 A. No, sir. 14 Q. Mr. Wycoff, during the course of 15 this litigation, you produced, presumably to 16 your attorneys, who then produced to us, 17 documents relating to MetLife and other 18 insurance companies. 19 Do you recall that? 20 A. Documents? 21 Q. Yes. Papers concerning insurance 22 policies with MetLife and other insurance 23 companies. 24 Do you recall producing those 25 documents?</p>	<p style="text-align: right;">Page 52</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. Oh. At home. 3 Q. At home where? In a box? In a 4 drawer? In a file? 5 A. In a steel box with the rest of the 6 insurance policies. 7 Q. Okay. 8 A. It is an old metal box. I bet I 9 have had this box for -- I don't know how long. 10 Q. You kept all of your papers relating 11 to your insurance policies in that box? 12 A. That's right. 13 Q. Did you keep anything else in the 14 box, other than papers relating to insurance 15 policies? 16 A. No. 17 Q. Now, when you say papers relating to 18 insurance policies, do you mean papers relating 19 to all insurance policies that you have ever 20 had, or just the MetLife policies? 21 A. All the insurance policies. 22 Q. Were they organized in any fashion 23 in the box or did you just throw them in there? 24 A. Just in the box. 25 Q. Okay. All right. Great. Did you</p>

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1	R. Wycoff - by Mr. Lesko	1	R. Wycoff - by Mr. Lesko
2	put every piece of paper that you received,	2	discard; is that right?
3	regarding the insurance policies, in the box,	3	A. Well, give or take.
4	or did you sometimes throw stuff out?	4	Q. She may ask you whether or not you
5	A. Everything that I had pertaining to	5	want to keep it, but, otherwise, she is the
6	insurance policies would have been the	6	first person in that process; is that right?
7	insurance policies themselves. They were all	7	A. I would say so, yes.
8	in the box.	8	Q. All I am trying to determine, here,
9	Q. You receive annual statements, don't	9	Mr. Wycoff, is whether you have kept everything
10	you, for the MetLife policies that you own?	10	that you have been provided by MetLife or, you
11	A. That, we kept, staples, yes. Wife	11	know, discarded some stuff that you thought
12	made sure she kept those.	12	might have been irrelevant.
13	Q. That came in the mail, those	13	A. I can say this: Whatever I had or
14	statements?	14	whatever we had, including my wife and myself,
15	A. Yes.	15	I produced.
16	Q. Once you got them in the mail, what	16	Q. What I am trying to establish is
17	would do you with them? Put them in a box or	17	what you had. In other words, is what you had
18	somewhere else?	18	and what you produced --
19	A. No. They went with our canceled	19	A. Tell you the truth, I can't even
20	checks, I believe, in that area.	20	answer that now, because what I gave, what I
21	Q. Maybe we are referring to two	21	tried to turn in, what I did turn in, I can't
22	different things. I am referring to annual	22	even tell you what it was that I turned in.
23	statements, just outlining how the policy is	23	Everything at that time, I gave what
24	performing, as opposed to billing statements?	24	you wanted, to the best of my ability.
25	MR. BARTHOLOMAEI: If you don't	25	Q. I understand.
	Page 54		Page 56
1	R. Wycoff - by Mr. Lesko	1	R. Wycoff - by Mr. Lesko
2	know what he is talking about, I don't want you	2	A. I have nothing else.
3	to guess. Maybe he will show you one later in	3	Q. I understand. I have no reason to
4	the deposition and you can identify it.	4	doubt that.
5	A. I don't know. When you are saying	5	A. Whether you want to call them papers
6	papers, you know, the only thing we got was	6	or forms, or slips of paper, you know...
7	dividend things that come in the mail, going	7	Q. Anything that you received from --
8	back in extra insurance. I wouldn't even count	8	we will limit it to MetLife?
9	that as a paper.	9	A. Emptied everything out.
10	Q. Just a little slip?	10	Q. What I am trying to establish is
11	A. Right.	11	whatever you might have received in the mail or
12	Q. What did you do with those little	12	what a MetLife insurance agent might have given
13	slips? Did you throw them out or keep them in	13	you, I am trying to determine whether
14	the box or did you do something else with them?	14	everything you ever received from MetLife or a
15	As a general rule, I am talking about now,	15	MetLife agent made it into this box which was
16	not -- it's my understanding --	16	ultimately produced to us.
17	A. Pretty much -- my wife opens up most	17	Conversely, is it possible you
18	of the mail. I do, too, but she does --	18	received some material that you perceived as
19	because I am not there during the day.	19	junk mail or otherwise irrelevant and you
20	Q. Right.	20	tossed it in the garbage instead of cluttering
21	A. I don't know. I really don't. I	21	your box?
22	really don't. I know she keeps bank statements	22	Do you understand what I am asking
23	or something like that.	23	for?
24	Q. So your wife is responsible for	24	A. If it had to do with insurance, I
25	deciding what you all keep and what you	25	would have seen it. I don't recall seeing

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<p style="text-align: right;">Page 57</p> <p>1 R. Wycoff - by Mr. Lesko 2 anything like that. 3 Q. I don't think we got there yet. 4 A. My wife doesn't get involved with 5 insurance issues, what have you. She lets me 6 take care of that. 7 Q. Let me ask you this: I receive a 8 lot of -- by way of example, I receive a lot of 9 junk mail every day from various financial 10 institutions, insurance companies or otherwise, 11 which I immediately determine is junk mail. I 12 have no time to read it. I throw them in the 13 garbage. 14 Or if I do read it, I find it is 15 irrelevant and I don't need it, don't save it 16 and throw in the garbage. 17 What I am trying to determine is 18 whether or not you have received some mail from 19 MetLife over the years that, perhaps, you 20 determined you didn't need? 21 A. Pertaining to what? 22 Q. Pertaining to anything. Pertaining 23 to insurance policies? 24 MR. BARTHOLOMAEI: I am going 25 to object to the form. I think it's way too</p>	<p style="text-align: right;">Page 59</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. I can't be sure. 3 Q. Are you certain that your wife saved 4 every piece of mail from MetLife addressed to 5 you that she opened? 6 A. I would say so, yes. 7 Q. You are certain of that? 8 A. I would say so. 9 Q. Did you ask her that question? 10 A. I know my wife. 11 Q. So your answer is just based upon 12 your familiarity with your wife? 13 A. That's correct. 14 Q. Good enough. During the course of 15 your employment with U.S. Steel -- let me back 16 up: 17 Are you certain that you have 18 maintained all records pertaining to any other 19 insurance policy, other than MetLife policies, 20 as well? 21 A. Yes. 22 Q. During the course of your employment 23 with U.S. Steel, did you ever receive a 24 benefits binder? 25 A. Benefits binder?</p>
<p style="text-align: right;">Page 58</p> <p>1 R. Wycoff - by Mr. Lesko 2 general the way you are asking the question. 3 He testified about his wife. Sometimes she 4 opens the mail and she might determine that 5 it's something they don't want to keep. Maybe 6 if you can show him specific documents -- 7 MR. LESKO: I got it. 8 MR. BARTHOLOMAEI: -- he might 9 be able to identify if he keeps those. 10 MR. LESKO: I understand your 11 objection. 12 Q. Let me ask you this question: Yes 13 or no. Are you certain that you have kept 14 every piece of paper sent to you by MetLife 15 relating to the policies that have been issued 16 in this litigation? Are you certain that you 17 have? 18 A. Yeah. 19 Q. You're certain that you have every 20 piece of information MetLife has ever provided? 21 A. If it was addressed to me, and I 22 opened it up, I would say yes. 23 Q. Okay. Are you certain that you 24 opened up every piece of mail from MetLife that 25 was addressed to you?</p>	<p style="text-align: right;">Page 60</p> <p>1 R. Wycoff - by Mr. Lesko 2 MR. BARTHOLOMAEI: Object to 3 the form of the question. Are you talking 4 about a physical binder, like a three-ring 5 binder, or are you talking about a binder in 6 the context of an insurance term, binder? 7 MR. LESKO: I was talking about 8 a three-ring binder. 9 MR. BARTHOLOMAEI: Okay. Do 10 you know what that is? 11 MR. LESKO: Or some other kind 12 of binder. 13 A. Like a loose-leaf binder? 14 Q. Yes. 15 A. Not that I know of. 16 Q. You received benefits through the 17 course of your employment from U.S. Steel; is 18 that right? I am talking about life insurance, 19 health insurance, disability insurance 20 benefits? 21 MR. BARTHOLOMAEI: Objection to 22 the form. 23 A. You mean hospitalization through 24 U.S. Steel? Is that what you're talking about? 25 Q. Yes.</p>

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1	R. Wycoff - by Mr. Lesko	1	R. Wycoff - by Mr. Lesko
2	A. Certainly.	2	Don't say anything.
3	Q. You received life insurance benefits	3	Q. Mr. Wycoff, list for me all the
4	though U.S. Steel, as well; is that right?	4	policies of life insurance, other than MetLife
5	A. Life insurance policies.	5	insurance, that you own, please.
6	Q. Life insurance coverage?	6	MR. BARTHOLOMAEI: Did you say
7	A. Yes.	7	own?
8	Q. Put it that way.	8	MR. LESKO: That he owns, yes.
9	A. Yes.	9	MR. BARTHOLOMAEI: Okay.
10	Q. Okay. Did you ever receive a	10	A. I have a policy with Knights of
11	booklet or any other document that described or	11	Columbus.
12	listed those benefits for you?	12	Q. What is the Policy Number of that
13	A. No.	13	policy? What is the Policy Number for the
14	Q. Did you ever receive something	14	Knights of Columbus policy?
15	called the Summary Plan Description relating to	15	A. I don't know.
16	your employee benefits at U.S. Steel?	16	Q. You forgot?
17	A. No.	17	A. I don't know.
18	Q. I take it then that you don't have	18	Q. Did you ever know?
19	any such documents at home?	19	A. Policy Number?
20	A. That's correct.	20	Q. Did you ever know the Policy Number?
21	Q. Which means if you did receive it,	21	A. Off by heart? No.
22	you didn't keep it; is that right?	22	Q. How many policies do you have with
23	A. I just said I didn't receive it.	23	Knights of Columbus?
24	Q. I understand. If you are mistaken	24	A. One.
25	and you did receive it, then you didn't keep	25	Q. When did you apply for that policy?
1	R. Wycoff - by Mr. Lesko	1	R. Wycoff - by Mr. Lesko
2	it; is that right?	2	A. When I joined the Knights of
3	MR. BARTHOLOMAEI: Ahh.	3	Columbus. Now, when was that? I can't
4	Objection to form.	4	remember.
5	A. If I'm saying that I didn't receive	5	Q. You can't remember?
6	it, how could I be mistaken?	6	A. I can't remember, no.
7	Q. Have you ever made a mistake before,	7	Q. Any other life insurance policies?
8	sir?	8	A. Yes, I have two policies with
9	MR. BARTHOLOMAEI: Objection.	9	Prudential.
10	Don't answer that.	10	Q. Any others?
11	Q. Are you saying that you have never	11	A. No. Other than Metropolitan Life.
12	made a mistake before?	12	Q. What are the amounts of insurance
13	MR. BARTHOLOMAEI: Don't	13	coverage provided -- what is the amount of
14	answer.	14	insurance coverage provided under the Knights
15	Q. Isn't that what you just told me?	15	of Columbus policies, if you recall?
16	Have you ever forgotten something before?	16	A. Knights of Columbus is one thousand
17	MR. BARTHOLOMAEI: Don't	17	dollars.
18	answer. Wait until he gets through with a	18	Q. How about the Prudential policies?
19	real question. Then we will go on with the	19	A. One policy is for 10,000, and the
20	deposition. Go on. I am directing him not to	20	other policy is for 5,000.
21	answer. Ask your next question.	21	Q. Did you purchase those -- the
22	MR. LESKO: There's no basis	22	Prudential Insurance Company policies through
23	for that direction, Mr. Bartholomaei.	23	an agent or a broker?
24	MR. BARTHOLOMAEI: Take it up	24	A. Through an agent.
25	with the court. Ask your next question.	25	Q. Do you remember his name?

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<p style="text-align: right;">Page 65</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. Mr. Seddan. 3 Q. Mr. Seddan? 4 A. Yes. 5 Q. How do you know Mr. Seddan? 6 A. He was the insurance agent, I 7 believe, for my mother. It was through him. 8 S-E-D-D-A-N, I believe. I believe you'll have 9 all the information there.</p> <p>10 MR. LESKO: Let's mark these as 11 Exhibits 2 through 4. 12 (Wycoff Exhibit Nos. 2-4 were 13 marked for identification.) 14 Q. Was there an agent through whom you 15 purchased the Knights of Columbus policy? 16 A. I know there was an agent, but I 17 can't remember his name. 18 Q. Let me hand you what has been marked 19 as Exhibit 2, Exhibit 3, Exhibit 4 and we will 20 refer to them in the next couple of minutes. 21 MR. LESKO: Exhibit 2, for the 22 record, is -- consists of a life insurance 23 policy issued by the Knights of Columbus. The 24 Policy Number is K 6302. It may be K 36021. 25 It also contains some other -- at</p>	<p style="text-align: right;">Page 67</p> <p>1 R. Wycoff - by Mr. Lesko 2 purchasing the policy? 3 A. I am trying to think back. A group 4 of us joined the Knights of Columbus at the 5 same time. Whether the agent came out to the 6 council and was talking about insurance and if 7 he took names down pertaining to who would be 8 interested in purchasing insurance... 9 Q. Okay. Mr. Wycoff, for 10 clarification, are you thinking out loud now or 11 telling us your recollection? 12 A. I'm just thinking out loud. I 13 remember meeting an agent, but I don't remember 14 where it was. 15 Q. But you remember it was about the 16 Knights of Columbus policy? 17 A. Yes. 18 Q. Do you remember whether or who was 19 present for your meeting? 20 A. No, I can't. Even looking at it, I 21 can't. 22 Q. That was -- well, do you remember 23 when you met with the agent? 24 A. You mean prior to signing the -- 25 Q. I guess you looked at the</p>
<p style="text-align: right;">Page 66</p> <p>1 R. Wycoff - by Mr. Lesko 2 least one other document which appears to 3 relate to that policy. 4 For the record, the Bates numbers on 5 the exhibit are RGW 000065 through 78. 6 Exhibit 3 is a Prudential policy 7 No. D 80672264 and some related documents. For 8 the record, the Bates numbers RGW 000079 9 through 116. 10 Exhibit 4 is another Prudential 11 policy and may or may not be some related 12 documents in that exhibit. It is Bates numbers 13 RGW 0000117 through 128. 14 I looked on the back of Exhibit 2 in 15 the application portion, Mr. Wycoff. I was 16 trying to find the agent's name. If it's 17 there, it's illegible, the signature. So... 18 A. Okay. 19 Q. Exhibit 2 is the -- yes, that's it 20 (indicating). Whatever this agent's name was 21 who sold you the Knights of Columbus policy, 22 did you know him before you purchased the 23 policy from him? 24 A. No. 25 Q. Did you meet with this agent before</p>	<p style="text-align: right;">Page 68</p> <p>1 R. Wycoff - by Mr. Lesko 2 application. Without looking at the 3 application, do you independently recall when 4 it was that you met with the agent? 5 A. When it was? 6 Q. What year? 7 A. Do you want a year? 8 Q. Yes. 9 A. No. I can't remember a year. 10 Q. If you do look at the application, 11 it appears to be signed in 1970. It might be 12 September 4, 1970. 13 Does that refresh your recollection 14 as to when you met with him? 15 A. No. 16 Q. Is this policy still in force? 17 A. Yes, sir. 18 Q. Other than the documents that are in 19 front of you, marked as Exhibit 2, do you have 20 any other documents relating to this policy at 21 all? 22 A. No, sir. 23 Q. How was the premium paid on this 24 policy? 25 A. How was it paid?</p>

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1	R. Wycoff - by Mr. Lesko	1	R. Wycoff - by Mr. Lesko
2	Q. Yes. Do you pay it monthly?	2	before today?
3	Yearly? Semiannually?	3	A. Whatever dividends we get goes right
4	A. It's not annually, not semiannually.	4	back into the insurance.
5	Q. Okay.	5	Q. On the Knights of Columbus policy?
6	A. I am trying to look at the figures	6	A. Yeah, on the Knights of Columbus
7	here. It must be quarterly.	7	policy.
8	Q. Do you know whether you're still	8	Q. Actually, flip for me to page 76,
9	paying on this policy? Are you still paying a	9	Bates No. 76, please.
10	premium for this policy on a periodic basis?	10	A. Okay.
11	A. I believe so, yes.	11	Q. Now, on the left-hand side of the
12	Q. How was it paid? Was it paid by	12	page, about halfway down, there is a question
13	check in the mail or paid through automatic	13	or an item No. 15. Do you see that? Left-hand
14	withdrawal from your checking account or some	14	side. It's difficult to read. The copy
15	other way?	15	quality is difficult to read.
16	A. Check.	16	Have you read item No. 15 there,
17	Q. So you get a bill periodically?	17	Mr. Wycoff?
18	A. Canceled check.	18	A. I am trying to.
19	Q. And then somebody pays it?	19	Q. Let me read it for the record and
20	A. Yes.	20	tell me if I read it wrong. "Any dividends
21	Q. Do you handle the household bills or	21	apportionable under the benefits certificate
22	does your wife do that?	22	hereby applied for are to be." It gives some
23	A. Wife does that.	23	options. Option No. 3 is checked. It says,
24	Q. Put that aside. The Prudential	24	"Deposit with interest."
25	policy, marked as Exhibit 3, you mentioned that	25	Do you see that?
	Page 70		Page 72
1	R. Wycoff - by Mr. Lesko	1	R. Wycoff - by Mr. Lesko
2	the agent or broker who sold you that policy is	2	A. Yes, I do.
3	Mr. Seddan; right?	3	Q. There is another option there that
4	A. Yes, sir.	4	says, No. 2, "Apply to reduced contributions."
5	Q. It's Robert Seddan?	5	No. 4 is "Apply to purchase paid-up additions."
6	A. Yes, sir.	6	Do you see that?
7	Q. Do you remember when you met with	7	A. Um-hum.
8	Mr. Seddan to purchase that policy?	8	Q. Do you know what paid-up additions
9	A. I see here it says April 1, 1985. I	9	are?
10	don't remember that date, no.	10	A. No, sir.
11	Q. Just look back at Exhibit 2 for one	11	Q. Have you ever heard the phrase
12	moment, sir. Flip to page 5 of the policy.	12	paid-up additional insurance? Have you heard
13	It's Bates No. 70. In the lower right-hand	13	that phrase before or no?
14	corner you will see the number 70.	14	A. I don't remember.
15	A. Okay.	15	Q. You said a moment ago that whatever
16	Q. You see in the right-hand column,	16	dividends you got under the policy would have
17	near the top, there is a section called, "14,	17	been -- would have gone directly to insurance;
18	dividends." Do you see that?	18	is that right?
19	A. Yes.	19	A. I am pretty sure that's what we have
20	Q. Did you know this policy provides	20	under the policy.
21	for payment of dividends?	21	Q. What do you mean by that? I didn't
22	MR. BARTHOLOMAEI: Objection to	22	mean to interrupt you. What do you mean by it
23	form.	23	would go directly into insurance? I may be
24	A. Did I know it had dividends?	24	misquoting you. That's the gist of what you
25	Q. Have you ever read this policy	25	said.

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<p style="text-align: right;">Page 73</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. It goes to purchase additional 3 insurance, the dividends. We don't receive 4 cash money from the dividends. 5 It just goes to purchase more 6 insurance. 7 Q. Thereby, increase the death benefit 8 under the policy; correct? 9 A. Correct. 10 Q. Now, having seen this item No. 15 in 11 the application, does that refresh your 12 recollection as to how dividends paid under 13 this policy, the Knights of Columbus policy, 14 are handled? 15 A. It says here, "Deposit with 16 interest." 17 Q. Right. So does that indicate that 18 the dividends are deposited with the insurance 19 company and paid interest? 20 A. I guess it is. 21 MR. BARTHOLOMAEI: Don't guess 22 at the answer, Mr. Wycoff. Just give the 23 answer the best that you can. 24 A. "Deposit with interest." 25 MR. BARTHOLOMAEI: He is asking</p>	<p style="text-align: right;">Page 75</p> <p>1 R. Wycoff - by Mr. Lesko 2 additional insurance? 3 A. I can see here it isn't. 4 Q. Flip back to page 70 for me, please. 5 MR. BARTHOLOMAEI: Page 70, 6 Mr. Wycoff. 7 THE WITNESS: Sorry. 8 A. Okay. 9 Q. We were looking at this provision 10 before. It is No. 14, Dividends. Do you see 11 that? 12 A. Okay. 13 Q. The first paragraph, the last 14 sentence of the first paragraph says, "The 15 person in control of the certificate may, on 16 each dividend due date, elect to have the 17 dividend." 18 Then it gives options. Option C is 19 "left on deposit and credited annually with 20 interest at the rate declared by the order from 21 time to time but not less than two percent per 22 annum." 23 Do you see that? 24 A. Yes, I see that. 25 Q. Now, having read that provision and</p>
<p style="text-align: right;">Page 74</p> <p>1 R. Wycoff - by Mr. Lesko 2 if it refreshes your recollection as to how the 3 dividends are applied in your Knights of 4 Columbus policy. Does it? 5 A. Yes. 6 Q. Okay. How are those dividends 7 applied? 8 A. I can't say, "I guess." 9 Q. What is your understanding of how 10 the dividends are applied, based on your 11 reading of this item of the application? 12 A. "Deposit with interest." 13 (Reviewing document.) 14 A. Does that mean -- I can't answer you 15 with a question? 16 Q. No, you can't. If you cannot 17 formulate an understanding based upon that, 18 that's your answer. If you have an 19 understanding, based upon your reading of the 20 application or that item of the application, 21 let me know what it is. 22 A. I would say no, I don't understand. 23 Q. No understanding, okay. Do you 24 still think that the dividends under the 25 Knights of Columbus policy are applied to buy</p>	<p style="text-align: right;">Page 76</p> <p>1 R. Wycoff - by Mr. Lesko 2 having seen item No. 15 on the application 3 which indicates an election to deposit with 4 interest, do you now have an understanding as 5 to what the disposition of your dividends, 6 under this Knights of Columbus policy, is? 7 A. (Reviewing document.) I don't know. 8 "Left on deposit and credited annually with 9 interest at the rate declared by The Order from 10 time to time" -- what do they mean at the rate 11 declared by The Order from time to time? What 12 do they mean by that? What is The Order? 13 Q. I can't answer your questions. 14 But -- 15 A. It must be the Knights of Columbus 16 Order or the home office, I guess. 17 Q. Is the Knights of Columbus sometimes 18 referred to as The Order, or The Order of the 19 Knights of Columbus? 20 A. You're right. When you read this 21 and you're talking about insurance... 22 Q. Do you recall whether or not the 23 agent that sold you this policy told you that 24 the policy pays dividends? 25 A. No, I can't say that.</p>

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<p style="text-align: right;">Page 77</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. Before looking at this provision 3 today, did you know that this policy paid 4 dividends? 5 A. To my knowledge, I would say no. 6 Q. You didn't know it? 7 A. I didn't know it. 8 Q. Again, I think I might have asked 9 you this question. I want to make sure. 10 Please keep that in front of you. 11 Did you ever read this policy before 12 today? 13 A. I don't believe so, no. 14 Q. Do you recall whether the agent -- 15 strike that. Do you recall how you received 16 the policy? Was it in the mail or did somebody 17 deliver it to you? 18 A. I can't remember. I can't remember. 19 Q. Okay. Look at page 76 again for me 20 for a moment, please. 21 A. Okay. 22 Q. The handwriting, providing 23 information in response to the questions, is 24 that your handwriting? 25 Do you recognize this as yours?</p>	<p style="text-align: right;">Page 79</p> <p>1 R. Wycoff - by Mr. Lesko 2 you show someone a document. 3 I will keep objecting until do you 4 that with the documents, including this one and 5 the future documents. 6 MR. LESKO: Okay. 7 Q. Take a look at Exhibit 2 for me, 8 please. Is the complete Knights of Columbus 9 insurance policy -- strike that. 10 Did you ever purchase a Knights of 11 Columbus insurance policy? 12 A. Did I ever purchase? 13 Q. I have to establish a foundation 14 based upon your lawyer's objection, Mr. Wycoff. 15 Did you ever purchase a policy? 16 A. Yes. 17 Q. Is that the policy that you 18 purchased? 19 A. Yes. 20 Q. You can put that aside. Did you 21 ever purchase a policy of life insurance from 22 Prudential Life Insurance Company? 23 A. Yes. 24 Q. Exhibit 3, is one of the policies 25 that you purchased from Prudential contained</p>
<p style="text-align: right;">Page 78</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. Yes, this looks like mine. 3 Q. Okay. 4 A. Yes, that looks like mine. 5 Q. You can put that aside now, 6 Mr. Wycoff. I want to take a look at Exhibit 7 3, which is one of the Prudential policies and 8 related documents. 9 The agent or broker who sold you 10 this policy was Mr. Seddan; is that right? 11 A. Seddan, yes. 12 Q. Do you remember -- strike that. Did 13 you meet with Mr. Seddan before you purchased 14 this policy? 15 MR. BARTHOLOMAEI: Objection. 16 Form. 17 A. I don't know. 18 Q. Okay. 19 A. I can't remember. 20 MR. LESKO: What is the basis 21 for the objection? 22 MR. BARTHOLOMAEI: Lack of 23 foundation. I will say the same thing for the 24 last policy. You never had him identify the 25 policy. It is just a basic thing you do when</p>	<p style="text-align: right;">Page 80</p> <p>1 R. Wycoff - by Mr. Lesko 2 within that exhibit? 3 A. I can't be sure unless I had the 4 policy here and check the policy number with 5 this Policy Number. 6 Q. Well, are you? 7 A. Are you asking me to go by what's 8 here? 9 Q. No. What I want you to do is flip 10 through that exhibit. As I mentioned before, I 11 acknowledge that some extraneous documents, 12 which are related to that policy, are attached. 13 But the policy's included, at least 14 to my understanding, it is included. If you 15 look starting on Bates No. 88 and going back 16 from there, I think that you will see what 17 purports to be a policy. 18 Can you tell me if that is the 19 policy or one of the policies that you 20 purchased from Prudential? 21 I will make the representation and 22 Mr. Bartholomaei can correct me if I'm wrong, 23 but the pages marked with the Bates number, 24 with the prefix, RGW, are documents which were 25 produced by your lawyers on your behalf in</p>

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<p style="text-align: right;">Page 81</p> <p>1 R. Wycoff - by Mr. Lesko 2 connection with this litigation. If that 3 helps. 4 A. What was the question again? 5 Q. Is that one of the policies that you 6 purchased from Prudential? 7 A. (Reviewing document.) You have my 8 name spelled wrong. Let me see where the hell 9 I signed it. 10 Q. Take a look at page 113. Page 112 11 and 113. 12 A. Okay. (Reviewing document.) This 13 isn't my writing, printing here. This has to 14 be the agent's. 15 Q. You're referring to the information 16 provided in response to the questions? 17 A. I guess that is. Spelled my name 18 wrong. I never even noticed that until now. 19 Q. Page 113 in the lower right-hand 20 corner, is that your signature? 21 A. Yes, sir. 22 Q. Let me ask you again: Is this one 23 of the policies that you purchased from 24 Prudential? 25 A. Yes, it is.</p>	<p style="text-align: right;">Page 83</p> <p>1 R. Wycoff - by Mr. Lesko 2 that range of documents, which are stapled 3 together and marked as Exhibit 3. 4 A. Yes. 5 Q. That's the policy you purchased from 6 Prudential; is that right? 7 A. Yes. 8 Q. Now that we have got that 9 foundation, I can ask you some questions about 10 it. Do you know whether or not this policy 11 provides for payment of dividends? Did you say 12 you believe it did? 13 MR. BARTHOLOMAEI: He is not 14 asking you to go through the policy and 15 determine if it does. He is just asking for 16 your recollection as to whether the policy pays 17 dividends or not. You can go ahead and answer 18 it, if you can. 19 A. I don't know. 20 Q. You have no recollection whether or 21 not it pays dividends? I am not asking you 22 whether it does or not. I want to know what 23 your recollection, as to whether or not it pays 24 benefits, is? If you have no recollection, you 25 have no recollection.</p>
<p style="text-align: right;">Page 82</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. Have you ever seen this document 3 before? The policy, that is? 4 A. As it is being presented to me here 5 now? 6 Q. Have you ever seen this policy, the 7 original, or a copy, before? 8 MR. BARTHOLOMAEI: He is 9 talking about from 88 through 116; is that 10 right? 11 MR. LESKO: That's correct. 12 MR. BARTHOLOMAEI: Are you 13 including 116? 14 MR. LESKO: I just want to know 15 if the policy contained in this exhibit is the 16 policy that he purchased from Prudential. 17 MR. BARTHOLOMAEI: I am just 18 trying to clarify for the record what you are 19 claiming as the policy. Because you put 20 together here -- starts with 79 and goes 21 through 115. Apparently, only a portion of it 22 is the policy. 23 MR. LESKO: I am not claiming 24 that any portion is the policy. I am asking 25 whether or not the policy is contained within</p>	<p style="text-align: right;">Page 84</p> <p>1 R. Wycoff - by Mr. Lesko 2 MR. BARTHOLOMAEI: Objection to 3 form. Can you read that back, please. 4 (Question read back.) 5 MR. BARTHOLOMAEI: I am going 6 to ask you to rephrase the question or ask it 7 again. You said benefits. I think it is a 8 little different than dividends. 9 Q. Mr. Wycoff, I will tell you what. 10 Look at page 88. Bottom of the page, right- 11 hand side of the page. What does the last line 12 say? 13 A. "Eligible for annual dividends, as 14 stated under dividends." 15 Q. Does that refresh your recollection 16 as to whether or not this policy pays dividends 17 or is eligible to receive dividends? 18 A. Yes. That's stated right there. 19 Q. Okay. 20 MR. BARTHOLOMAEI: He's not 21 asking you to read it. He is asking you if it 22 refreshes your recollection or helps you recall 23 that the policy pays dividends. Okay? Do you 24 understand the difference? 25 Mr. Wycoff, Mr. Lesko is trying to</p>

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<p style="text-align: right;">Page 85</p> <p>1 R. Wycoff - by Mr. Lesko 2 get your best answer, your best recollection or 3 memory of things that have happened in the past 4 and things, you know, are related to this 5 insurance policy.</p> <p>6 He's not asking you to read this and 7 determine something. He's asking for your 8 recollection or memory as to whether it pays 9 dividends.</p> <p>10 He is asking you, from reading this, 11 does it help you remember something. If it 12 does, tell him that it does. If it doesn't, 13 tell him that it doesn't.</p> <p>14 Do you understand?</p> <p>15 THE WITNESS: I understand 16 that.</p> <p>17 MR. BARTHOLOMAEI: He is not 18 trying to trick you. He is just asking for 19 your best memory.</p> <p>20 A. I would say yes.</p> <p>21 Q. It does refresh your recollection?</p> <p>22 A. I would say yes.</p> <p>23 Q. I might add to that, Mr. Wycoff, it 24 didn't occur to me that you might be thinking 25 I'm trying to trick you.</p>	<p style="text-align: right;">Page 87</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. No, sir. 3 Q. Do you remember how it was delivered 4 to you? 5 A. No, sir. 6 Q. By that, I mean was it in the mail 7 or hand delivered? You don't recall? 8 A. I can't remember. 9 Q. Do you recall whether the agent, 10 Mr. Seddan, ever reviewed the policy with you 11 after it was issued? 12 A. I can't remember. I really can't. 13 Q. Do you recall meeting with 14 Mr. Seddan for purposes of applying for this 15 policy? 16 A. Do I remember? No, I don't 17 remember. 18 Q. As a point of reference, this policy 19 has a contract date of April 1st, 1985. The 20 application indicates that it was completed on 21 March 18th, 1985. 22 That would have been after you 23 retired from U.S. Steel; is that right? 24 A. Right. 25 Q. Does that refresh your recollection</p>
<p style="text-align: right;">Page 86</p> <p>1 R. Wycoff - by Mr. Lesko 2 MR. BARTHOLOMAEI: I wasn't 3 implying that he was thinking that. 4 MR. LESKO: I understand. But, 5 you know... 6 Q. I don't hold any allusions that I 7 could trick you into saying something that you 8 don't believe is true. I am going to try to 9 ask simple questions. If you know the answer, 10 you know the answer. If not, let me know 11 that. We will move on. We will get done 12 quicker. 13 A. I can be here all day. 14 Q. No one wants that. 15 MR. LESKO: Off the record. 16 (Discussion off record.) 17 (Short break.) 18 BY MR. LESKO: 19 Q. Are you all right to go ahead? 20 A. Yes. 21 Q. We were talking about the policy 22 which is included as part of Exhibit 3, issued 23 by Prudential. 24 Before today, have you ever read 25 this policy before?</p>	<p style="text-align: right;">Page 88</p> <p>1 R. Wycoff - by Mr. Lesko 2 as to whether or not you met with Mr. Seddan 3 regarding this policy? 4 A. No, it doesn't. 5 Q. Do you remember any conversations 6 with Mr. Seddan regarding this policy? 7 A. No. 8 Q. Do you recall whether or not 9 Mr. Seddan contacted you, or you contacted 10 Mr. Seddan for purposes of applying for this 11 policy? 12 A. Ask that question again. 13 Q. Do you recall who initiated the 14 contact prior to -- strike that. That's poorly 15 worded. 16 Do you recall whether Mr. Seddan 17 contacted you to sell you this policy? 18 A. It would have been me. 19 Q. So you would have contacted 20 Mr. Seddan to purchase this policy? 21 A. Yes. 22 Q. Do you recall now your conversation 23 with Mr. Seddan, or you just don't remember? 24 A. No, I don't. 25 Q. Okay. This policy has a face amount</p>

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<p style="text-align: right;">Page 89</p> <p>1 R. Wycoff - by Mr. Lesko 2 of \$10,000; is that right? 3 A. That's correct. 4 Q. Do you recall why you decided to 5 purchase this policy? What was your objective 6 in purchasing this policy? 7 A. To have extra insurance. 8 Q. Why did you want extra insurance? 9 A. Primarily, for my family, my wife. 10 Q. So you just wanted to increase the 11 amount of money that you would leave for them 12 upon your passing; is that right? 13 A. That's correct. 14 Q. It wasn't for any other purpose, 15 such as to cover funeral expenses, for example, 16 or was it? 17 A. I can't determine that. I mean, it 18 was extra insurance. 19 Q. Okay. Would you turn, please, for 20 me, to page 83 in that exhibit. That page has 21 copies of three business cards on it; is that 22 right? 23 A. It appears to be. 24 Q. Do you know who the people are that 25 are identified on those business cards?</p>	<p style="text-align: right;">Page 91</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. Did you receive them every year? I 3 will strike that. Have you received them every 4 year since this policy was issued in 1985? 5 A. I can't say for sure if we did every 6 year. 7 Q. Do you recall whether you saved all 8 of the annual letters that you received from 9 Prudential? 10 A. That came through the mail? 11 Q. Did you save them all? 12 A. I would say so, yes. 13 Q. Where do you keep the annual letters 14 that you receive from Prudential? 15 A. I keep those with my income tax 16 stuff, I believe. 17 Q. The annual letters? 18 A. Yes. If it had to do with dividends 19 or additional insurance or what have you. 20 Q. This page, the first page of Exhibit 21 3, was this kept with your tax returns? 22 A. This one -- if it's pertaining to 23 dividends, yes. If it's not pertaining to 24 dividends, no. Because dividends, I always 25 make sure that I turn it in to my income tax,</p>
<p style="text-align: right;">Page 90</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. Do I know them? 3 Q. Yes. Have you ever met them? 4 A. I don't recall those names. I don't 5 know. 6 Q. Do you have any understanding as to 7 why these three business cards were in your 8 files? 9 A. Do I know why they were there? 10 Q. Yes. 11 A. No. 12 Q. The first page of Exhibit 3 is a 13 letter dated November 13, 1995 from Prudential 14 to you. 15 Do you see that? 16 A. Yes. 17 Q. The first sentence says, "This 18 annual letter is intended to update you about 19 your policy and its values." 20 Do you see that? 21 A. Yes. 22 Q. Do you recall receiving annual 23 letters from Prudential to update you about 24 your policy and its values? 25 A. Yes.</p>	<p style="text-align: right;">Page 92</p> <p>1 R. Wycoff - by Mr. Lesko 2 on my income tax. This wouldn't have anything 3 to do with income taxes. 4 Q. So anything you received from 5 Prudential, any annual letter you received from 6 Prudential that did not refer to dividends, 7 would be kept with your Prudential documents, 8 your Prudential papers; is that right? 9 A. No. No. No. 10 Q. If it's not kept with your 11 Prudential papers, not kept with your dividend, 12 where would you keep it? 13 A. Something like this would be kept -- 14 I really don't know. 15 Q. Are you certain that you kept all of 16 the annual statements, annual letters, sent by 17 Prudential? 18 A. Annual letters? 19 Q. Yes. This is an annual letter; is 20 that right? 21 A. (Reviewing document.) Ask that 22 question again. 23 Q. Are you certain that you kept all of 24 the annual letters provided to you by 25 Prudential?</p>

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1	R. Wycoff - by Mr. Lesko	1	R. Wycoff - by Mr. Lesko
2	MR. BARTHOLOMAEI: What annual	2	MR. LESKO: Excuse me,
3	letters are you talking about?	3	professor.
4	Q. Mr. Wycoff, can you look at the	4	MR. BARTHOLOMAEI: That's the
5	first sentence of this letter again. Tell me	5	way it should work.
6	what it says, the first three words.	6	MR. LESKO: Excuse me,
7	A. "This annual letter."	7	professor. What law school do you teach for?
8	Q. Does that imply this letter was	8	MR. BARTHOLOMAEI: When you are
9	provided annually?	9	telling him annual letters, he's confused.
10	A. Yes.	10	That's why he can't answer your question. I'm
11	Q. I am referring to this as an annual	11	telling you what the problem is just from an
12	letter. Have you -- are you certain that you	12	observational point of view.
13	kept all of the annual letters provided to you	13	MR. LESKO: Can we have you
14	by Prudential?	14	sworn in? If you want to keep testifying, we
15	MR. BARTHOLOMAEI: Objection to	15	will have you sworn in.
16	form.	16	MR. BARTHOLOMAEI: I am trying
17	Q. If you are not certain, the answer	17	to help you with the deposition.
18	is no.	18	MR. LESKO: I don't want your
19	MR. BARTHOLOMAEI: That is not	19	help, Mark. You are hindering the deposition.
20	the answer, if he's not certain.	20	That's what you are trying to do.
21	MR. LESKO: The question is:	21	MR. BARTHOLOMAEI: I am trying
22	Is he certain that he kept all of the annual	22	to make it go faster.
23	letters. If he's not certain, the answer is	23	MR. LESKO: Knock it off. I
24	no.	24	want an answer to my question.
25	MR. BARTHOLOMAEI: I will tell	25	MR. BARTHOLOMAEI: He can't
	Page 94		Page 96
1	R. Wycoff - by Mr. Lesko	1	R. Wycoff - by Mr. Lesko
2	you the reason why he is confused, is because	2	answer the question. He's already given his
3	you're saying annual letters. I don't know if	3	answer. I'm directing him not to answer.
4	he got other letters annually.	4	Q. Mr. Wycoff, have you received
5	MR. LESKO: He testified that	5	letters from Prudential like this other than
6	he got others, Mark.	6	this one?
7	MR. BARTHOLOMAEI: No, no. He	7	MR. BARTHOLOMAEI: You can
8	could receive four or five different types of	8	answer that.
9	letters on an annual basis from Prudential. Is	9	A. Yes, we have.
10	that what you are talking about?	10	Q. Did you keep them?
11	MR. LESKO: I am talking about	11	A. As a rule?
12	this letter.	12	Q. Did you keep them, as a fact? As a
13	MR. BARTHOLOMAEI: This is the	13	matter of fact, did you keep them?
14	way the deposition normally goes:	14	A. To keep them, as you would an
15	(Attorneys talking over top one	15	heirloom, I would have to say I don't know if I
16	another.)	16	kept all of them.
17	MR. LESKO: Wait. Whoa, whoa,	17	Q. If you kept them and we asked for
18	whoa. Excuse me.	18	them, you would have produced them; right?
19	MR. BARTHOLOMAEI: Have you	19	A. That's correct.
20	seen a letter like this before? He will say	20	Q. Thank you. There is a paragraph in
21	yes. You say --	21	this letter underneath the columns which show
22	MR. LESKO: Excuse me,	22	you the figures, the numbers. It says, "If you
23	professor.	23	elect and are interested in the abbreviated
24	MR. BARTHOLOMAEI: Yes, maybe	24	payment plan, which is a payment option that
25	do. Maybe I don't.	25	uses dividends to pay premiums, you may be

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<p style="text-align: right;">Page 97</p> <p>1 R. Wycoff - by Mr. Lesko 2 interested to know that if dividends continue 3 according to their current schedule, your 4 policy could abbreviate in 2002."</p> <p>5 Do you see that?</p> <p>6 A. (Reviewing document.) I see it.</p> <p>7 Q. Did you elect the abbreviated 8 payment plan for this policy?</p> <p>9 A. I don't know. I really don't know.</p> <p>10 Q. Did anybody ever ask you whether you 11 wanted to elect an abbreviated payment plan?</p> <p>12 A. I don't know.</p> <p>13 Q. Have you ever heard of Prudential's 14 abbreviated payment plan before today?</p> <p>15 A. I don't know.</p> <p>16 Q. Let's look at -- Mr. Wycoff, the 17 policy contained in Exhibit 3, are you still 18 paying premiums on that policy?</p> <p>19 A. Yes, we are.</p> <p>20 Q. How long do you have to continue to 21 pay premiums on this policy?</p> <p>22 A. How long? I believe this is --</p> <p>23 MR. BARTHOLOMAEI: He is not 24 asking you to look through this, Mr. Wycoff. 25 Just answer his questions. If can you answer</p>	<p style="text-align: right;">Page 99</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. An insurance policy from Prudential. 3 Q. What is the issued date, the policy 4 date? When was it issued?</p> <p>5 A. March 4, 1954.</p> <p>6 Q. Are you looking at the policy on the 7 first page for that date?</p> <p>8 A. Yes.</p> <p>9 Q. I read it March 1, 1954. Is that 10 right?</p> <p>11 A. What did I say?</p> <p>12 Q. I think you said March 4.</p> <p>13 A. All right. It is March 1st.</p> <p>14 Q. What kind of policy is this? Is 15 this also a whole life policy? Feel free to 16 take a look at the policy.</p> <p>17 A. (Reviewing document.)</p> <p>18 Q. Let me direct you to the bottom of 19 the first page, very bottom. What does it say?</p> <p>20 A. Very bottom? "Modified whole life 21 policy."</p> <p>22 Q. Does that give you an idea what kind 23 of life insurance this is?</p> <p>24 A. A whole life policy.</p> <p>25 Q. How long are premiums payable?</p>
<p style="text-align: right;">Page 98</p> <p>1 R. Wycoff - by Mr. Lesko 2 his question, give him an answer. He is not 3 looking for you to analyze the document. If he 4 is, he will ask you to do that.</p> <p>5 A. What was the question again?</p> <p>6 Q. How long do you have to pay premiums 7 on this policy?</p> <p>8 A. Every year.</p> <p>9 Q. Every year. For how many years?</p> <p>10 A. I believe this is a whole life 11 policy here.</p> <p>12 Q. Right.</p> <p>13 A. I believe.</p> <p>14 Q. Sorry?</p> <p>15 A. I said I believe this is a whole 16 life policy.</p> <p>17 Q. So how many years do you have to pay 18 for the policy, for the premiums?</p> <p>19 A. Your whole life.</p> <p>20 Q. Okay. Let's look at Exhibit 4.</p> <p>21 MR. LESKO: Exhibit 4, for the 22 record -- I think I already identified it for 23 the record with the Bates numbers.</p> <p>24 Q. Can you tell me what that exhibit 25 is, Mr. Wycoff, please.</p>	<p style="text-align: right;">Page 100</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. Premiums payable for life. 3 Q. Is it your understanding of a whole 4 life policy that premiums are payable for your 5 life?</p> <p>6 A. On these policies.</p> <p>7 Q. Did Mr. Seddan also sell you this 8 policy?</p> <p>9 A. That, I don't know. I can't 10 remember that.</p> <p>11 Q. You mentioned before that your 12 relationship with Mr. Seddan, other than the 13 fact that he sold you at least one of these 14 policies, was the fact that he had written life 15 insurance for your mother; is that correct?</p> <p>16 A. Right.</p> <p>17 Q. Do you know when he wrote life 18 insurance for your mother, or when he sold life 19 insurance to your mother?</p> <p>20 A. I was younger then. I don't know.</p> <p>21 Q. Was it at or about the same time 22 that he sold you the life insurance policy in 23 1985?</p> <p>24 A. No.</p> <p>25 Q. Was it much earlier than that?</p>

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1	R. Wycoff - by Mr. Lesko		
2	A. Yes.		
3	Q. A matter of years or decades or		
4	what?		
5	A. Decades. My mother died in 1972.		
6	So...		
7	Q. Okay. All right. Did you have a		
8	personal relationship with Mr. Seddan?		
9	A. No.		
10	Q. Other than the time that you called		
11	him to purchase life insurance, had you spoken		
12	to him before that about anything?		
13	A. No.		
14	Q. Did you make a claim against your		
15	mother's life insurance policy when she passed		
16	away? Did you claim the death benefit?		
17	A. That might have been my sister who		
18	did that. My sister was older.		
19	Q. How did you get Mr. Seddan's name		
20	and number?		
21	A. I don't know. Called up the central		
22	office, I guess. I don't know.		
23	Q. You just called Prudential and asked		
24	for Mr. Seddan?		
25	A. Not remembering, I don't know.		
1	R. Wycoff - by Mr. Lesko	Page 102	
2	Q. You just don't remember. All right.		
3	So I take it that when you decided that you		
4	wanted to buy insurance for Prudential in 1985		
5	or so, you just recalled Mr. Seddan was your		
6	mother's insurance broker; is that right?		
7	A. I would say so.		
8	Q. Again, I might have asked this		
9	question. Have you ever spoken to Mr. Seddan		
10	since you purchased the 1985 policy from		
11	Prudential?		
12	A. No.		
13	Q. Do you know whether this policy,		
14	this policy being Exhibit 4, the 1954 policy,		
15	does that policy provide for payment of		
16	dividends?		
17	Without looking at it, do you recall		
18	whether it does or not?		
19	A. No, I don't remember.		
20	Q. Okay. Mr. Wycoff, I want to take a		
21	step back for a moment. We have been reviewing		
22	a number of insurance policies that were issued		
23	by Prudential and Knights of Columbus.		
24	I want you to tell me what your		
25	understanding is of the nature of life		

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<p style="text-align: right;">Page 105</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. Who pays a death benefit on a life 3 insurance policy in the event of a death? 4 A. Who pays it? 5 Q. Yes, who pays? 6 A. The insurance company. 7 Q. What is the quid pro quo for the 8 life insurance company to provide a death 9 benefit? 10 Do they do it for free? 11 A. What do you need to produce? Death 12 certificate? 13 Q. No. Do they provide that service 14 for free? 15 MR. BARTHOLOMAEI: What 16 service? 17 Q. Life insurance. 18 MR. BARTHOLOMAEI: Who is 19 "they"? 20 Q. You can answer the question. 21 A. Does the insurance company -- state 22 that again. 23 Q. You have to pay a premium for life 24 insurance; is that right? 25 MR. BARTHOLOMAEI: Objection to</p>	<p style="text-align: right;">Page 107</p> <p>1 R. Wycoff - by Mr. Lesko 2 to pay for life insurance? 3 Q. You can answer that question. 4 A. If I want insurance, I have to pay 5 for it. 6 Q. So the life insurance companies 7 don't provide life insurance for free? They 8 expect to be paid for it; is that right? Is 9 that your understanding? 10 A. That's correct. 11 Q. Now, do you understand that life 12 insurance companies -- strike that. Do you 13 understand that a life insurance company takes 14 a risk when they issue a life insurance policy 15 in exchange for a premium? 16 A. No, I don't. 17 Q. You don't? 18 MR. BARTHOLOMAEI: He said, 19 "No, I don't," in case you didn't hear him. 20 Q. If you were to purchase a life 21 insurance policy and pay a single premium and 22 then pass away, and your beneficiary received 23 the entire death benefit, which is typically in 24 excess of the first premium, wouldn't the life 25 insurance company lose money?</p>
<p style="text-align: right;">Page 106</p> <p>1 R. Wycoff - by Mr. Lesko 2 form. 3 Q. Mr. Wycoff, if you want life 4 insurance from a -- if you want life insurance 5 from a life insurance company, what do you have 6 to do to get life insurance? 7 MR. BARTHOLOMAEI: Objection to 8 form. 9 Q. Do you have to pay for life 10 insurance? 11 MR. BARTHOLOMAEI: Do you have 12 to fill out an application? Do you have to 13 call an agent? 14 Q. Do you have to pay for life 15 insurance? 16 MR. BARTHOLOMAEI: Oh, man. 17 Are you asking him the abstract or about his 18 specific case or just hypotheticals? 19 Q. Please answer that last question. 20 A. Do you have to pay for insurance? 21 Is that what you are asking? 22 MR. BARTHOLOMAEI: Do you have 23 to pay? Or does someone have to pay? Could a 24 company provide it for him and pay for it for 25 him? Are you asking him if he individually has</p>	<p style="text-align: right;">Page 108</p> <p>1 R. Wycoff - by Mr. Lesko 2 MR. BARTHOLOMAEI: Objection to 3 form. 4 A. I don't see what you are -- 5 MR. BARTHOLOMAEI: Ask him some 6 questions about his case, instead of 7 hypothetical questions about life insurance. 8 A. I don't understand what you are 9 talking about. 10 MR. BARTHOLOMAEI: Maybe this, 11 maybe that. He said I don't understand what 12 you're asking, in case you didn't hear him. 13 Q. I will clarify the question. 14 A. I don't understand what you want 15 from me. 16 MR. BARTHOLOMAEI: Let him ask 17 another question. 18 Q. I just want you to answer the 19 questions. That's all I want. Do you have any 20 understanding as to how much total premiums you 21 have paid to MetLife for your 1994 policy to 22 date? 23 A. No. 24 Q. Do you know how much in premiums you 25 have paid to MetLife for your 1991 policy to</p>

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<p style="text-align: right;">Page 109</p> <p>1 R. Wycoff - by Mr. Lesko 2 date? 3 A. No. 4 Q. What is the death benefit on your 5 1991 MetLife policy? 6 A. \$10,000. 7 Q. Do you know whether you paid in 8 excess of \$10,000 in premiums so far? 9 A. I don't know. 10 Q. You don't know, or you didn't pay 11 that much? 12 A. I say I don't know. Off the top -- 13 no, I don't. 14 Q. Do you know what the premium is on 15 your 1991 MetLife policy? Do you recall? 16 A. \$73 and some odd cents. 20 cents, 17 30 cents. 18 Q. Is it \$73.20? 19 A. (Nods affirmatively.) 20 Q. Okay. 21 MR. LESKO: Excuse me for one 22 second. 23 (Short break.) 24 Q. Mr. Wycoff, you pay that \$73.20 25 premium on a monthly basis; is that right?</p>	<p style="text-align: right;">Page 111</p> <p>1 R. Wycoff - by Mr. Lesko 2 MR. BARTHOLOMAEI: It's not. 3 Can you read that back? 4 (Reporter read from record as 5 requested.) 6 MR. BARTHOLOMAEI: It's clearly 7 not. 8 MR. LESKO: You're right. It 9 is 12 years and a day. My humblest apologies. 10 MR. BARTHOLOMAEI: It's clearly 11 not. 12 MR. LESKO: '91 to 2003 is not 13 12 years. 14 MR. BARTHOLOMAEI: That's not 15 what you said. Do you want to read it back 16 again. Please read it back again. 17 MR. LESKO: I don't want it 18 read back. Maybe you can clarify it for me, 19 Mr. Bartholomaei. Why is it not? 20 MR. BARTHOLOMAEI: Because 21 you're saying, Mr. Lesko, 1991 to 1993 and 22 that's two years, not 12 years. Would you like 23 him to read it back? 24 MR. LESKO: I said 2003. 25 MR. BARTHOLOMAEI: Please read</p>
<p style="text-align: right;">Page 110</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. That's correct. 3 Q. So you paid about \$878.40 a year; is 4 that right? 5 A. You got the calculator there. I 6 don't know. 7 Q. I will represent to you that 8 according to this calculator, \$73.20 times 12 9 months is 878.4. You have paid that ever since 10 June of 1991; is that right? 11 A. From the inception of the policy? 12 Q. Yes. 13 A. Yes. 14 Q. So that's June 27, '91 to June 27 of 15 2003 is 12 years; is that right? 16 A. You have got the calculator. 17 Q. '91 to 2003 is 12 years, isn't it? 18 A. Are you doing the math or do you 19 want me to do the math? 20 Q. I am asking you if June 27, 1991 to 21 June 27, 1993 is 12 years? 22 A. Yes. 23 MR. BARTHOLOMAEI: No, it's 24 not. 25 MR. LESKO: It's not?</p>	<p style="text-align: right;">Page 112</p> <p>1 R. Wycoff - by Mr. Lesko 2 it back so we're clear. 3 BY MR. LESKO: 4 Q. Mr. Wycoff -- 5 MR. BARTHOLOMAEI: Excuse me. 6 I asked the court reporter to read something 7 back. He's going to do it. 8 Q. Mr. Wycoff -- 9 MR. LESKO: Mr. Bartholomaei, 10 you are not conducting this deposition. I'm 11 conducting -- 12 MR. BARTHOLOMAEI: I'm allowed 13 to have him read something back. 14 Q. I am going to rephrase the question 15 based upon Mr. Bartholomaei's objection. 16 MR. BARTHOLOMAEI: I guess, 17 when we get the transcript, we will all know. 18 Q. June 27, 1991 to June 27, 2003, is 19 that 12 years? 20 A. Yes. 21 Q. I guess you made the same mistake I 22 did earlier. That's 12 years. Do you have any 23 understanding as to how much premium you have 24 paid on the policy, the 1991 policy issued by MetLife?</p>

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<p style="text-align: right;">Page 113</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. No. 3 MR. BARTHOLOMAEI: Don't answer 4 that. He's already answered that once. 5 Q. Mr. Wycoff -- strike that. 6 Mr. Wycoff, are you aware that -- what is your 7 understanding of the purpose of an application 8 for insurance? 9 A. You are applying for an insurance 10 policy. 11 Q. You provide information about 12 yourself; is that right? 13 A. Yes. 14 Q. Let's refer to Exhibit 3, for 15 example. Flip to page 112. 16 A. All right. 17 Q. Now, this application contains 18 questions relating to your health, doesn't it? 19 A. Where is that at? I imagine it 20 does, but I haven't been able to find it. 21 Q. Check on page 113, question number 22 27. 23 A. Okay. 24 Q. Those are questions relating to your 25 health; is that right?</p>	<p style="text-align: right;">Page 115</p> <p>1 R. Wycoff - by Mr. Lesko 2 that right, or intentions to travel? 3 A. Yes. 4 Q. Do you have any understanding as to 5 why Prudential wanted you to complete this 6 application and submit it to them? 7 A. Why? 8 Q. Yes. 9 A. To find out what my health condition 10 was, my children, my family; pertinent 11 information, I guess, pertaining to me. 12 Q. Do you have any understanding as to 13 why Prudential, an insurance company, wants 14 that information? 15 A. Why? I don't know. I guess 16 primarily to find out if you are in good enough 17 health to be insured. If you're not in good 18 enough health to be insured, I am sure they 19 wouldn't insure you then. 20 Q. Why not? 21 A. I don't know what different 22 insurance companies' policies are. That's my 23 understanding. 24 Q. I am asking for your understanding. 25 You said if you're not in good enough health,</p>
<p style="text-align: right;">Page 114</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. Yes. 3 Q. Question number 30 requests, asks 4 you to provide details regarding affirmative 5 answers to the questions above it; is that 6 right? 7 A. Yes. 8 Q. In response, you have provided 9 information related to certain health 10 conditions, visits to doctors, et cetera; is 11 that right? 12 A. Correct. 13 Q. Flip back to the previous page. 14 A. Okay. 15 Q. For example, take a look at question 16 No. 13. I beg your pardon. Not 13. Look at 17 No. 15, please. 18 A. (Reviewing document.) 19 MR. BARTHOLOMAEI: He's reading 20 it to himself. 21 Q. Have you read question No. 15? 22 A. Yes. Was I going to travel out -- 23 Q. I am not asking you to respond to 24 the question. That question asks for 25 information regarding your travel activity, is</p>	<p style="text-align: right;">Page 116</p> <p>1 R. Wycoff - by Mr. Lesko 2 you are sure they would not insure you. Why do 3 you say that? 4 A. Just for their protection. 5 Q. So they evaluate the information in 6 the application to determine whether or not you 7 are a good risk? Is that accurate, as to your 8 understanding? 9 A. I don't know if I would use the word 10 risk. 11 Q. What word would you use? 12 A. You would be a preferred customer. 13 I guess you would put it that way. 14 Q. What about your health would make 15 you preferred or not preferred to an insurance 16 company, in your understanding? 17 A. It's fairly obvious. If you weren't 18 in good health, you wouldn't be a preferred 19 customer. 20 Q. Why? 21 A. We would go back to health again. 22 Q. What does health have to do with 23 whether you're preferred or not preferred? 24 A. I can't answer that. That's just my 25 opinion.</p>

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<p style="text-align: right;">Page 117</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. I am asking the basis of your 3 opinion, sir. 4 A. That's it. 5 Q. Is it because a person in poor 6 health is more likely to die sooner? 7 MR. BARTHOLOMAEI: Objection to 8 form. 9 A. I can't answer for the insurance 10 company. 11 Q. I am asking for your understanding. 12 MR. BARTHOLOMAEI: I think he 13 gave you his understanding. A person in 14 complete -- 15 MR. LESKO: Come on, Mark. 16 MR. BARTHOLOMAEI: I don't 17 understand what you're getting at. He 18 doesn't -- 19 MR. LESKO: That doesn't 20 surprise me. 21 MR. BARTHOLOMAEI: Mr. Wycoff 22 doesn't understand the question. He gave you 23 his best answer. Ask the next question. 24 MR. LESKO: Mr. Wycoff didn't 25 tell me he didn't understand the question.</p>	<p style="text-align: right;">Page 119</p> <p>1 R. Wycoff - by Mr. Lesko 2 that out. Maybe we can have a little meeting 3 when the transcript comes in. How about that? 4 MR. BARTHOLOMAEI: What do you 5 mean by that? 6 MR. LESKO: So we can talk 7 about the transcript, of whether that question 8 was asked. 9 A. I really got a long day, so... 10 Q. All right. So do you have any 11 understanding, Mr. Wycoff, as to whether or not 12 your health, as represented on that 13 application, affected the amount of premium to 14 be paid for that policy? 15 A. I don't know. 16 Q. You don't know? 17 A. No. 18 Q. Is it your understanding that a 19 person in poorer health would be required to 20 pay higher premiums than a person in good 21 health? 22 A. I don't know that, either. 23 Q. Is it your understanding that a 24 person of advanced age has to pay higher 25 premiums on an insurance policy than a person</p>
<p style="text-align: right;">Page 118</p> <p>1 R. Wycoff - by Mr. Lesko 2 MR. BARTHOLOMAEI: He said I 3 don't know what you are getting at. 4 MR. LESKO: He doesn't have to 5 know what I'm getting at. He has to just 6 answer the question. 7 Q. My question is -- 8 MR. BARTHOLOMAEI: That's one 9 of the funniest things I've ever heard. 10 Q. My question is, is it your 11 understanding that a person in poor health 12 would not be a preferred customer for a life 13 insurance company because he or she is more 14 likely to die sooner? Is that your 15 understanding? 16 A. Generally speaking, I would say 17 yes. 18 Q. Thank you. 19 MR. LESKO: We could have 20 gotten that five minutes ago. 21 MR. BARTHOLOMAEI: That's 22 probably true if you had asked that question 23 five minutes ago. 24 MR. LESKO: That is the 25 question I asked. The transcript will bear</p>	<p style="text-align: right;">Page 120</p> <p>1 R. Wycoff - by Mr. Lesko 2 who is much younger? 3 A. That's understood. 4 Q. That's understood? 5 A. Yes. 6 Q. Thank you. Have you ever heard the 7 phrases, "Mortality rate" before, or the 8 phrase, "Mortality rate" before? 9 A. Maybe reading it in the newspaper or 10 hearing it on the news. 11 Q. Do you know what it means? 12 A. Yes. 13 Q. What does it mean? 14 A. The rate of death. 15 Q. What is the -- have you ever heard 16 the term, "Expense rate," in the context of 17 insurance before? 18 A. No. 19 Q. Have you ever heard the term, "Cost 20 of insurance" before? The phrase, "Cost of 21 insurance"? 22 A. Maybe in -- oh, hell. In the course 23 of conversation with people, you may hear somebody, "The cost of insurance is this." 24 MR. BARTHOLOMAEI: Mr. Wycoff,</p>

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<p style="text-align: right;">Page 121</p> <p>1 R. Wycoff - by Mr. Lesko 2 he is asking you for a recollection. If you do 3 not have a recollection, I don't want you to 4 guess. 5 A. No, I don't. 6 MR. BARTHOLOMAEI: Or don't 7 make something up. 8 Q. Do you know what cost of insurance 9 means? 10 A. What you are paying in premiums. 11 Q. Okay. What are dividends? 12 A. Dividends? Definition of dividends? 13 They come from -- oh. They come from your -- 14 from making -- what is the word I want? The 15 on-time payments, that you are never late with 16 a payment. 17 Once your payments are paid and 18 being that you are paying on time, you don't 19 owe any back payments, and you are right up to 20 snuff on your payments, on your policy, and the 21 insurance company rewards you. 22 Is that -- I don't know. 23 Q. That's fine. I asked for your 24 understanding. That's what I wanted. That's 25 fine.</p>	<p style="text-align: right;">Page 123</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. Metropolitan Life Insurance policy, 3 Robert G. Wycoff. 4 Q. What is the face amount? 5 A. \$10,000. 6 Q. The date of issue? 7 A. June 27, 1991. 8 Q. What kind of policy is it? 9 A. Whole life. 10 Q. Who sold you that policy? 11 A. Metropolitan Life. 12 Q. How long are premiums payable for 13 this policy? 14 A. Premiums payable for a stated 15 period. 16 Q. Do you know how long that period is? 17 A. It says here whole life policy. 18 Payments payable for a stated period. 19 Q. That means to you that it's payable 20 for your whole life? 21 A. That's what it says here. 22 Q. Turn to page 19 of that policy for 23 me. Look, if you will, under -- you see the 24 heading in the middle of the page there, 25 centered, "Premium schedule."</p>
<p style="text-align: right;">Page 122</p> <p>1 R. Wycoff - by Mr. Lesko 2 Have you ever heard the term 3 "dividends" used in the context of stocks, 4 company stocks, such as U.S. Steel? 5 A. I can't remember. 6 Q. Do you know what dividend means in 7 that context? 8 A. Eligible for more stock. 9 Q. What is the dividend comprised of? 10 Do you know? Isn't it comprised of surplus 11 revenue in the company's hands? 12 A. I can't say. 13 Q. Okay. What is -- 14 MR. LESKO: We will mark this 15 policy as the next exhibit, please. 16 (Wycoff Exhibit No. 5 was 17 marked for identification.) 18 Q. Mr. Wycoff, I am handing you what 19 has been identified or what's been marked for 20 identification purposes as Exhibit 5. That is 21 a document bearing Bates No. RGW 000017 through 22 37. 23 Do you recognize that document? 24 A. Yes. 25 Q. What is it?</p>	<p style="text-align: right;">Page 124</p> <p>1 R. Wycoff - by Mr. Lesko 2 "Premiums are due on or date of 3 policy and every one month after that date"? 4 A. Yes. 5 Q. Underneath that, you see there are 6 three or four columns? There's a couple column 7 headings, Premium Amount, Years Payable? 8 Do you see those? 9 A. Um-hum. 10 Q. The first row, do you see where it 11 says, "Life insurance"?: 12 A. Yes. 13 Q. To the right under premium amount it 14 says \$73.20? 15 A. Yes, sir. 16 Q. Then it says under the years 17 payable, it says 36. Do you see that? 18 A. Yes, sir, I do see that. 19 Q. Having read that, can you tell me 20 now how long premiums are payable under this 21 policy? 22 A. 36 years. 23 Q. It's not necessarily your whole 24 life, right, but it's 36 years? 25 A. 36 years.</p>

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1	R. Wycoff - by Mr. Lesko	
2	MR. BARTHOLOMAEI: I am going	
3	to -- sorry to interrupt you. I didn't want to	
4	interrupt your line of questioning. I wanted	
5	to mention for the record the witness was	
6	looking at Bates No. 19 and not page 19 of the	
7	policy. Because people can't see this when	
8	they are reading the transcript.	
9	MR. LESKO: I appreciate your	
10	clarification.	
11	Q. If you flip back to -- don't flip	
12	back. Do you know the name of the agent or	
13	broker who sold you this policy?	
14	A. Mr. Molchan and Mr. Kaczmarek.	
15	Q. Kaczmarek?	
16	A. Yes.	
17	Q. You mentioned Mr. Molchan. Do me a	
18	favor. Flip back to the back of the page of	
19	the back of the exhibit, page 36. Second to	
20	the last page. For ease of reference, because	
21	it seems to pick up the pages, I am referring	
22	to the Bates numbers when I say page number 36.	
23	Do you see at the bottom of the page	
24	there, all the way to the left -- wait a	
25	minute. I beg your pardon.	
	Page 126	Page 128
1	R. Wycoff - by Mr. Lesko	
2	A. You did say 36, didn't you?	
3	Q. I did. Sorry. I flipped to the	
4	wrong page. I am looking for the right page	
5	now. It is actually page number 33.	
6	A. All right.	
7	Q. Middle of the page, left-hand side,	
8	do you see the signature there under Witness?	
9	A. Yes, sir.	
10	Q. Can you read the signature?	
11	A. Yes, sir.	
12	Q. What does it say?	
13	A. Norman, middle initial looks like an	
14	E., Molchan, Sr.	
15	Q. Mr. Molchan, is it Molchan or	
16	Molche? Do you recall?	
17	A. I'm just pronouncing it the way --	
18	Q. I understand.	
19	A. M-O-L-C-H-A-N, I believe it was.	
20	Q. That's correct. Molchan.	
21	Mr. Molchan was a MetLife representative; is	
22	that right?	
23	A. Yes, sir.	
24	Q. Does this help you recall who it was	
25	that sold you the policy? Before you said	

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<p style="text-align: right;">Page 129</p> <p>1 R. Wycoff - by Mr. Lesko 2 again. Or have him repeat it. 3 Q. That's okay. I will ask it again. 4 You did meet with Mr. Molchan at some point in 5 time; is that right? 6 A. Yes. 7 Q. Thank you. Let me show you what has 8 been marked as Exhibit 6. Tell me if you 9 remember seeing that document before. 10 MR. LESKO: For the record, 11 that's Bates numbers RGW 00004. 41 and 40. 12 A. (Reviewing document.) No. 13 Q. You don't remember seeing this 14 document? 15 A. No, I don't. 16 Q. Okay. Put that aside. Prior to 17 your first meeting with Mr. Molchan, had you 18 ever met him before? Sorry. Strike that 19 question. 20 Prior to your first meeting with 21 Mr. Molchan, regarding this policy, which has 22 been marked as Exhibit 5, had you ever met 23 Mr. Molchan before? 24 A. No. 25 Q. How did you first come into contact</p>	<p style="text-align: right;">Page 131</p> <p>1 R. Wycoff - by Mr. Lesko 2 earlier we talked about why you purchased, I 3 think it was the -- well, one of the policies 4 issued by Prudential, or Knights of Columbus. 5 You said you wanted more money upon 6 your passing for your family? 7 A. Right. 8 Q. Did you purchase this policy for the 9 same reason, or did you have some other 10 specific objective in mind? 11 A. Same reason. 12 Q. Did you, at some point, make a 13 determination that it would be necessary to 14 have -- to leave more money to your family 15 prior to purchasing this policy? 16 A. Specific reason? 17 Q. I will rephrase that. You said that 18 the reason you purchased this policy is 19 because, like the other policy we talked about 20 earlier, you just wanted to leave more for your 21 family upon your passing; is that right? 22 A. Um-hum. That's true. 23 Q. What I am trying to get at is when 24 did you decide that you wanted to leave more 25 for your family upon your passing? Was it</p>
<p style="text-align: right;">Page 130</p> <p>1 R. Wycoff - by Mr. Lesko 2 with Mr. Molchan? By that, I mean did you 3 speak to him on the phone, or the first time 4 you contacted him, was it in person? 5 A. God. I have no idea. I can't 6 remember. Probably called his office. 7 MR. BARTHOLOMAEI: Don't guess. 8 Q. Don't guess. My next question -- 9 you're anticipating my next question -- do you 10 know whether you contacted -- whether you 11 initiated the contact with Mr. Molchan or he 12 initiated it? 13 A. Off the record. I am trying to 14 think -- 15 Q. He can't go off the record unless we 16 tell him. I prefer everything on the record 17 unless it's unrelated to the case. 18 A. I am going to correct my answer. I 19 honestly can't say for sure. 20 Q. That's fine. Maybe I can ask you 21 another question, too, which will help you 22 remember: Do you remember -- well, strike 23 that. 24 Did you have an objective in mind in 25 purchasing this policy? Do you remember</p>	<p style="text-align: right;">Page 132</p> <p>1 R. Wycoff - by Mr. Lesko 2 after you met with Mr. Molchan or before you 3 met with Mr. Molchan? 4 In other words, Mr. Wycoff, did you 5 decide you needed more insurance and go out and 6 get this policy, or did Mr. Molchan present it 7 to you and you figured that it was a good idea, 8 you should have more? 9 A. I would say before. 10 Q. Before? 11 A. I would say before. 12 Q. Does that help your recollection as 13 to whether or not you contacted Mr. Molchan or 14 he contacted you? 15 A. Hmm. 16 Q. If it doesn't help your 17 recollection, we will move on. 18 A. I can't say. I really can't say. 19 Q. Did you have a personal relationship 20 with Mr. Molchan before you purchased this 21 policy? 22 A. No, sir. 23 Q. Since you purchased this policy, 24 again, this is the '91 policy, Exhibit 5, have 25 you met or spoken with Mr. Molchan?</p>

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1	R. Wycoff - by Mr. Lesko	1	R. Wycoff - by Mr. Lesko
2	A. No, sir.	2	A. He said, "I don't have the original
3	Q. During your meetings -- strike	3	form to show you. I will use this form as a
4	that. I think before you said you couldn't	4	sample, and I will show you what this feature
5	recall whether it was one meeting with	5	is."
6	Mr. Molchan or more than one.	6	So he proceeded to use this form to
7	Am I remembering that correctly?	7	show me that at the end, after X amount of
8	A. I don't believe he said that. I	8	years would expire -- it turned out to be 14
9	can't recall.	9	years, that's what he had marked -- that the
10	Q. You can't recall whether it was one	10	premiums would -- you wouldn't have to pay any
11	or more than one?	11	more premiums.
12	A. No.	12	I said -- you know, I agreed with
13	Q. But you do recall at least one	13	him. I said, "That is a good policy, that is a
14	meeting; is that right?	14	good feature."
15	A. Yes, sir, one meeting.	15	Mr. Kaczmarek, you know, he
16	Q. Do you recall who else was present	16	concurred.
17	at that meeting?	17	Q. Okay.
18	A. His associate, Mr. Kaczmarek, and a	18	A. But that was the only -- if the
19	medical nurse.	19	nurse had anything there -- she asked for a
20	Q. There was a nurse with them?	20	urine test, and I did give that. But, now,
21	A. Yes, sir.	21	whether she had any forms there or not, I can't
22	Q. Do you recall whether that -- the	22	recall. She may have.
23	nurse was with them during -- strike that. You	23	Q. That sample that you referred to,
24	don't know whether it was one or more meeting.	24	that Mr. -- was it Mr. Molchan who showed it to
25	Where did that meeting take place?	25	you?
	Page 134		Page 136
1	R. Wycoff - by Mr. Lesko	1	R. Wycoff - by Mr. Lesko
2	A. At my home.	2	A. Um-hum.
3	Q. You were the only one from your	3	Q. That sample that Mr. Molchan showed
4	family present for that meeting?	4	to you, was that the only document that he
5	A. Um-hum.	5	presented during the meeting?
6	Q. Do you recall how long the meeting	6	A. Other than the policy there itself.
7	lasted?	7	Q. Did he present you with the policy
8	A. I have no idea.	8	during your meeting?
9	Q. Do you recall everything that was	9	A. From what I can understand, yes.
10	said during that meeting?	10	Q. Do you recall whether or not he
11	A. No, sir, I do not.	11	presented you with a policy during your first
12	Q. Okay.	12	meeting or was it sometime later?
13	A. God, no.	13	A. I am trying to determine.
14	Q. Do you recall whether you were shown	14	Q. Let me ask it this way: Did you
15	documents at that meeting? Strike that.	15	fill out an application for insurance at some
16	Did Mr. Kaczmarek or Mr. Molchan or	16	point in time with Mr. Molchan?
17	the nurse present you with any documents during	17	A. You have to do that to get an
18	that meeting?	18	insurance policy, yes.
19	A. Relating to what?	19	Q. I take it, what you're telling me,
20	Q. Anything. Any documents at all?	20	is you don't specifically recall filling out
21	A. Mr. Molchan showed me -- he used it	21	the application? Is that right?
22	as a sample, according to his -- the way he	22	A. I remember the policy.
23	explained it to me, he said, "I want to explain	23	Q. Do you specifically recall
24	to you a good feature of this policy."	24	completing, signing the application?
25	Q. Okay.	25	A. Signing the policy, yes. But a

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<p style="text-align: right;">Page 137</p> <p>1 R. Wycoff - by Mr. Lesko 2 form? Is the form the policy? Is that what 3 you are talking about? Is that what you're 4 asking?</p> <p>5 Q. I don't know what form you are 6 referring to. Let me ask you this question: 7 Was the nurse present when Mr. Molchan gave you 8 the policy?</p> <p>9 A. She was at the house that day. 10 Whether she was right there, when he gave me 11 the policy --</p> <p>12 Q. That's what I'm asking. To be 13 specific and clear, was the nurse there at your 14 house during the meeting when Mr. Molchan gave 15 you that policy?</p> <p>16 A. Yes.</p> <p>17 Q. When I say policy, by the way, we 18 understand each other we're talking about 19 Exhibit 5; is that right?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Did Mr. Molchan present you 22 with any brochures about MetLife during the 23 meeting?</p> <p>24 A. No.</p> <p>25 Q. No?</p>	<p style="text-align: right;">Page 139</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. In my mind? No. 3 Q. An application for insurance, as we 4 have discussed earlier, is a document you 5 complete and submit to the insurance company 6 and they decide whether to issue a policy of 7 insurance; is that correct? Does that comport 8 with your understanding?</p> <p>9 A. Right.</p> <p>10 Q. So now, with that understanding in 11 mind, I am going to ask you that question I 12 asked you before again: What document did you 13 sign, during the meeting with Mr. Molchan, 14 regarding this policy? Was it the policy, the 15 application or something else?</p> <p>16 A. The policy.</p> <p>17 Q. You signed the policy, okay.</p> <p>18 Mr. Wycoff, do you smoke?</p> <p>19 A. No, sir.</p> <p>20 Q. Did you ever smoke?</p> <p>21 A. Yes, sir.</p> <p>22 Q. When was the last time you had a 23 cigarette?</p> <p>24 A. The boys were in Little League. So 25 that would have been 1960 --</p>
<p style="text-align: right;">Page 138</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. No. 3 Q. Do you recall every single document 4 that he presented to you at that meeting? 5 A. There's only two that I recollect. 6 Q. Those were the sample? 7 A. Sample forms that he was showing me 8 about the premiums and the policy itself. 9 Q. And the actual policy. Do you 10 recall signing any documents during the 11 meeting? 12 A. Documents? Are you talking about 13 insurance policies? 14 Q. Sure. Insurance policy would fit in 15 my definition of documents, yes. 16 A. Signing an insurance policy? Yes. 17 Q. So you signed an insurance policy? 18 A. Any other document, I did not sign. 19 Q. Do you know what an application for 20 insurance is? Do you know what I am referring 21 to when I use that phrase? That is a bad 22 question. 23 I will restate it: Is an 24 application for an insurance and an insurance 25 policy the same thing, in your mind?</p>	<p style="text-align: right;">Page 140</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. Did you -- 3 A. '60, '61. 4 Q. You have never smoked since then? 5 A. That's correct. 6 Q. Not a single cigarette? 7 A. Not a cigarette. 8 Q. How about cigars? Do you smoke 9 cigars? 10 A. No. I may chew on one once in a 11 while. 12 Q. Have you ever smoked cigars? 13 A. No. 14 Q. You said you may chew on a cigar 15 once in a while; is that right? 16 A. Yes. 17 Q. Have you always done that throughout 18 your adult life? 19 A. For the most part, yard work. I got 20 into that habit in the steel plant. A lot of 21 us did that, just to -- there's so much residue 22 in the atmosphere, and to try to keep the 23 proper saliva in your mouth, to get rid of 24 those -- the components that are in the air, 25 and so that's what we did.</p>

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<p style="text-align: right;">Page 141</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. Did you ever use chewing tobacco? 3 A. At times, yes. When I couldn't get 4 a cigar or didn't have a cigar. 5 Q. Do you still do that? 6 A. From time to time. 7 Q. Have you done that from time to time 8 throughout your adult life? 9 A. Yes. 10 Q. How about a pipe? Do you ever use a 11 pipe, smoke a pipe? 12 A. No, never smoked a pipe. 13 Q. You mentioned a document before. 14 MR. BARTHOLOMAEI: Hold on one 15 second. Off the record. 16 (Discussion off record.) 17 (Lunch recess from 12:35 p.m. 18 to 1:25 p.m.) 19 BY MR. LESKO: 20 Q. Mr. Wycoff, do me a favor. Take a 21 look at Exhibit 5. Turn to the back of that, 22 page 30. 23 MR. BARTHOLOMAEI: Before we 24 start, I wanted to say something before we 25 began. I am going to ask that the court</p>	<p style="text-align: right;">Page 143</p> <p>1 R. Wycoff - by Mr. Lesko 2 deposition begins, there is no attorney/client 3 privilege over communications. 4 Are you familiar with that case? 5 MR. BARTHOLOMAEI: Which 6 district is that? 7 MR. LESKO: Western District of 8 Pennsylvania, Mr. Bartholomaei. I am surprised 9 you're not aware of that. 10 MR. BARTHOLOMAEI: I suggest 11 that you call the judge. 12 MR. LESKO: I am not going to 13 call the judge now. If we do call the judge 14 and she finds in our favor, unfortunately, 15 we're going to have to have Mr. Wycoff back 16 here again and further inconvenience him at 17 your direction. 18 MR. BARTHOLOMAEI: My 19 direction? 20 MR. LESKO: Because of your 21 direction. 22 MR. BARTHOLOMAEI: Okay. Are 23 you sure we're in the Western District on this 24 case? 25 MR. LESKO: Am I sure we are in</p>
<p style="text-align: right;">Page 142</p> <p>1 R. Wycoff - by Mr. Lesko 2 reporter make the audio tape a part of the 3 record in this deposition. We can discuss, 4 after the deposition is over, if there's a 5 specific method that the court reporting agency 6 prefers to do that. I am stating that on the 7 record at this time. You can continue with the 8 questions, Mr. Lesko. 9 Q. Mr. Wycoff, before we get into the 10 questions, we just had a lunch break. Did you 11 talk with your attorney during the lunch break 12 about this case? 13 MR. BARTHOLOMAEI: Objection. 14 Do not answer that question. 15 Q. Your attorney, did you talk with 16 your attorney during lunch break about this 17 case? 18 MR. BARTHOLOMAEI: I direct you 19 not to answer the question. 20 MR. LESKO: What is the basis 21 for your objection? 22 MR. BARTHOLOMAEI: Attorney/ 23 client privilege. 24 MR. LESKO: There is a Hall 25 case in this district which says that once a</p>	<p style="text-align: right;">Page 144</p> <p>1 R. Wycoff - by Mr. Lesko 2 the Western District in this case? 3 MR. BARTHOLOMAEI: Yes. 4 MR. LESKO: Is this case 5 pending in the Western District? 6 MR. BARTHOLOMAEI: Yes. 7 MR. LESKO: Does that matter? 8 MR. BARTHOLOMAEI: You're 9 talking about something, with the Western 10 District. I am wondering what you were 11 referring to. 12 MR. LESKO: I am referring to 13 an opinion that was issued in the Western 14 District of Pennsylvania. 15 MR. BARTHOLOMAEI: Okay. That, 16 for some reason -- why are you telling me about 17 that opinion? 18 MR. LESKO: You know what, 19 Mr. Bartholomaei, we can have this discussion 20 off the record if you want? 21 Do you want to proceed with this 22 discussion? 23 MR. BARTHOLOMAEI: Sure. 24 MR. LESKO: Off the record. 25 (Discussion off record.)</p>

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<p style="text-align: right;">Page 145</p> <p>1 R. Wycoff - by Mr. Lesko 2 MR. LESKO: Back on the record. 3 For the record, as a courtesy to 4 Mr. Bartholomaei, I suggested that we step 5 outside in the hallway to discuss the issue of 6 attorney/client privilege and the effect -- the 7 effect of the Hall case on that privilege and 8 how it might be -- it might lend interpretation 9 in Pennsylvania Rules of Civil Procedure and 10 attorney/client privileges in Pennsylvania. 11 Mr. Bartholomaei has rejected the 12 client to do so. That's fine. We're not going 13 to discuss it. I suggest that Mr. Bartholomaei 14 go ahead and look up that case and see whether 15 or not it's relevant to the attorney/client 16 privilege. Then we can have the discussion. 17 MR. BARTHOLOMAEI: I am willing 18 to discuss it right now. 19 MR. LESKO: We're not going to 20 discuss it in front of your client. As a 21 courtesy to you and as a courtesy to your 22 client -- 23 MR. BARTHOLOMAEI: We don't 24 need the courtesy. 25 MR. LESKO: Also, because it is</p>	<p style="text-align: right;">Page 147</p> <p>1 R. Wycoff - by Mr. Lesko 2 MR. BARTHOLOMAEI: Please give 3 me an explanation as to why that wouldn't be 4 okay since you have this magical case. 5 MR. LESKO: Next time you take 6 a deposition of one our witnesses, you can make 7 that assertion. Then we will take the 8 position, whatever position is appropriate. We 9 can raise that issue when it becomes an issue. 10 It is not an issue right now. 11 I am asking your client and I am 12 asking you the question for the purposes of the 13 record so we can move on in this deposition -- 14 MR. BARTHOLOMAEI: You have my 15 answer. 16 MR. LESKO: -- whether or not 17 you will continue to instruct him not to answer 18 as to questions regarding his conversations 19 with you regarding this case during the break? 20 MR. BARTHOLOMAEI: Like I said, 21 we've taken depositions -- 22 MR. LESKO: The answer is yes 23 or no. 24 MR. BARTHOLOMAEI: We have 25 taken depositions, and they would apply to this</p>
<p style="text-align: right;">Page 146</p> <p>1 R. Wycoff - by Mr. Lesko 2 inappropriate, as you well know. 3 MR. BARTHOLOMAEI: Why is that? 4 Q. Mr. Wycoff, turn to Exhibit 5 for me 5 at the back. 6 MR. LESKO: Oh. Let me make 7 something clear. Mr. Bartholomaei, is it safe 8 to say any question I ask him or your witness 9 regarding the -- your conversations with him 10 during lunch regarding this case, you will 11 direct him not to answer? 12 MR. BARTHOLOMAEI: I will tell 13 you what, Mr. Lesko: I will let Mr. Wycoff 14 answer the questions about what we talked about 15 at lunch if you and your firm will agree to 16 tell me what you talked about with your 17 witnesses at lunch when I conducted a 18 deposition. Is that fair? 19 MR. LESKO: No. 20 MR. BARTHOLOMAEI: Why not? 21 MR. LESKO: I am not going to 22 agree to that. 23 MR. BARTHOLOMAEI: So it's okay 24 for us, but not for you? 25 MR. LESKO: I didn't say that.</p>	<p style="text-align: right;">Page 148</p> <p>1 R. Wycoff - by Mr. Lesko 2 case. If you are willing to disclose to me the 3 conversations that you or members of your firm 4 had with those witnesses during your lunch 5 break, then, you know, we could do the same. 6 MR. LESKO: I guess I will have 7 to establish the record. We will take even 8 more time out of your client's day. 9 Q. Mr. Wycoff, did you discuss with 10 Mr. Bartholomaei, during the break, any of the 11 testimony that you rendered this morning? 12 MR. BARTHOLOMAEI: Again, don't 13 answer the question. 14 Q. Mr. Wycoff, did you discuss with 15 Mr. Bartholomaei, during the break, any 16 testimony or questions that he anticipates 17 being raised during the afternoon session? 18 MR. BARTHOLOMAEI: Don't 19 answer. 20 Q. Mr. Wycoff, did you speak with 21 Mr. Bartholomaei during the break concerning 22 any topic or issue relating to this litigation? 23 MR. BARTHOLOMAEI: I direct him 24 not to answer the question. 25 MR. LESKO: Okay.</p>

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<p style="text-align: right;">Page 149</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. Mr. Wycoff, please turn to exhibit 3 or go to Exhibit 5. Turn to page 30. Take a 4 look at page 30. These are the Bates numbers 5 again, page 30 through 36. 6 Tell me if that's the application 7 that you submitted -- strike that. 8 Tell me if you recognize those 9 pages. 10 A. 30 through 33? Is that what you 11 said? 12 Q. 30 through 36. 13 A. (Reviewing document.) That's not my 14 writing. That's for sure. I should say 15 printing. 36? That is an application here for 16 life insurance. 17 Q. Have you ever seen this application 18 for life insurance before? 19 A. I don't recall. I don't recall. 20 Q. Do you, otherwise, know whether this 21 is the application for life insurance that you 22 submitted to MetLife for consideration in 23 issuing the 1991 policy? 24 MR. BARTHOLOMAEI: Objection to 25 form.</p>	<p style="text-align: right;">Page 151</p> <p>1 R. Wycoff - by Mr. Lesko 2 (Cellphone interruption.) 3 MR. BARTHOLOMAEI: Objection to 4 form. 5 Q. Let me rephrase it. Was it your 6 understanding that MetLife would rely upon the 7 information provided in the application in 8 deciding to issue the 1991 policy? 9 MR. BARTHOLOMAEI: If you can 10 answer as to what MetLife would rely on, please 11 answer the question. 12 MR. LESKO: That's not the 13 question. 14 MR. BARTHOLOMAEI: Read the 15 question back. 16 Q. The question is: Is it your 17 understanding that MetLife would rely on the 18 information contained in this application in 19 deciding whether or not to issue the policy? 20 A. I would say it's up to the insurance 21 company. It wouldn't be up to me. All I did 22 was give the information in regards to the 23 application, from what I can see here. 24 Q. What is your understanding, as to 25 why this application was submitted? What is</p>
<p style="text-align: right;">Page 150</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. Let me rephrase the question. Did 3 you submit an application to MetLife seeking 4 issuance of the 1991 policy? Mr. Wycoff? 5 A. One minute. Yes, I have. Or, yes, 6 I did. 7 Q. Yes, you did? Is this that 8 application? 9 A. It certainly looks like it. 10 Q. Okay. Now, Mr. Wycoff -- 11 A. Yes. 12 Q. I'm sorry. I will wait until you 13 are done reviewing the application, if you 14 like. 15 A. Okay. 16 Q. Are you done? 17 A. Um-hum. 18 Q. When you submitted this application, 19 to MetLife, did you know that MetLife was going 20 to rely on the information provided in the 21 application? 22 MR. BARTHOLOMAEI: Objection to 23 form. 24 Q. To determine whether or not to issue 25 the policy?</p>	<p style="text-align: right;">Page 152</p> <p>1 R. Wycoff - by Mr. Lesko 2 the purpose of it? Your understanding? 3 A. Most of it to see how the applicant 4 checks out physically. 5 Q. We talked earlier -- 6 A. That seems to be the majority of it. 7 If he's -- if he has no physical -- what should 8 I say? Disabilities, I guess. How can I word 9 it? I don't know what you people -- 10 Q. Sorry. Go ahead. Finish your 11 answer. 12 A. They want a history of your -- the 13 insurance companies want a history of your age, 14 your physical condition, what abnormalities 15 that you have had. 16 Q. Do you have an understanding as to 17 why the insurance companies want that 18 information? 19 A. If you are qualified to be eligible 20 for an insurance policy. 21 Q. It's so they can decide whether or 22 not to issue a policy; right? 23 A. That's correct. 24 Q. And is it your understanding that 25 MetLife would rely on the information contained</p>

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<p style="text-align: right;">Page 153</p> <p>1 R. Wycoff - by Mr. Lesko 2 in this application in making that decision? 3 A. I don't see why not. 4 Q. Is it your understanding that they 5 would rely? 6 A. Rely on this information that's on 7 the application? 8 Q. Yes. 9 A. Certainly. 10 Q. Was it your intention, when you 11 submitted this application, that MetLife should 12 rely on information contained herein, or in 13 this application? 14 A. Certainly. 15 Q. With that understanding, you would 16 never submit false or misleading information to 17 the insurance company for them to rely on, 18 would you? 19 A. No, sir. I didn't put everything on 20 here, but evidently, the agent did. He asked 21 me questions. I answered them. 22 Q. Did the agent -- strike that. Turn 23 to page 31 of the application. 24 A. Okay. I have it here. 25 Q. You see paragraph -- sorry, not</p>	<p style="text-align: right;">Page 155</p> <p>1 R. Wycoff - by Mr. Lesko 2 form. 3 Q. Is it true that you've never used 4 smokeless tobacco? 5 MR. BARTHOLOMAEI: Objection to 6 form. That is a ridiculous question. Has 7 nothing to do with this. This was done in 8 1991. 9 Q. Answer the question. 10 MR. BARTHOLOMAEI: He already 11 testified that he has. 12 Q. Answer the question. 13 MR. BARTHOLOMAEI: Don't 14 answer. You have already answered the 15 question. 16 Q. The question is: Is it true that 17 you've never used smokeless tobacco? Is that 18 true? 19 MR. BARTHOLOMAEI: Again, 20 that's the same question. I am directing him 21 not to answer again for the second time. 22 Because he's already been asked and answered 23 that question. 24 MR. LESKO: He has not been 25 asked -- he has not been asked that question</p>
<p style="text-align: right;">Page 154</p> <p>1 R. Wycoff - by Mr. Lesko 2 paragraph -- question No. 9, Tobacco Use? 3 A. Question No. 9. 4 Q. The question reads, "Indicate date 5 proposed insured last smoked/used." By the 6 way, you are the proposed insured in this 7 application; is that right? 8 A. Yes. 9 Q. It says, "Indicate date proposed 10 insured last smoked or used cigarettes, cigar, 11 pipe, smokeless tobacco." Under Cigarettes it 12 says 1960. 13 Do you see that? 14 A. Right. 15 Q. Under Cigar, the box next to Never, 16 has an X in it. Do you see that? 17 A. Right. 18 Q. Under Pipe, again, the box next to 19 Never has an X in it; is that right? 20 A. Right. 21 Q. Smokeless tobacco says never; right? 22 A. Right. 23 Q. The answer given with respect to 24 smokeless tobacco is not true, is it? 25 MR. BARTHOLOMAEI: Objection to</p>	<p style="text-align: right;">Page 156</p> <p>1 R. Wycoff - by Mr. Lesko 2 and he's not answered it. 3 MR. BARTHOLOMAEI: You asked 4 him earlier in the deposition. He said, "Yeah, 5 you know, at times I've used smokeless 6 tobacco." You know the answer. 7 MR. LESKO: I asked a very 8 different question early in the deposition. I 9 don't understand the basis for your direction 10 not to answer it. 11 Frankly, you're abusing your role 12 here in directing him not to answer. I think 13 you know that. 14 MR. BARTHOLOMAEI: Go ahead. 15 You can tell him. Tell him again. 16 Q. Is that true, Mr. Wycoff, that 17 you've never used smokeless tobacco? 18 MR. BARTHOLOMAEI: Is what 19 true? 20 Q. That you've never used smokeless 21 tobacco? 22 MR. BARTHOLOMAEI: He's not 23 asking you about this document right now. He's 24 asking you a question if you've ever used 25 smokeless tobacco.</p>

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<p style="text-align: right;">Page 157</p> <p>1 R. Wycoff - by Mr. Lesko 2 MR. LESKO: Excuse me. I will 3 rephrase the question. 4 MR. BARTHOLOMAEI: Please do. 5 Q. Is the answer to this question, No. 6 9, regarding use of smokeless tobacco, where it 7 says never, is that true? 8 MR. BARTHOLOMAEI: You are 9 asking him was it true in 1991? 10 MR. LESKO: I am asking him is 11 it true now. 12 MR. BARTHOLOMAEI: Then that 13 has nothing to do with this. Many things have 14 happened since 1991, as you know. 15 Q. Go ahead and answer the question. 16 A. I've used smokeless tobacco. 17 Q. So it's not true that you've never 18 used it; right? 19 MR. BARTHOLOMAEI: Objection to 20 form. Don't answer that. 21 A. No. 22 MR. LESKO: This is 23 ridiculous. 24 Q. I am going to ask you the next 25 question that I've intended to ask for the last</p>	<p style="text-align: right;">Page 159</p> <p>1 R. Wycoff - by Mr. Lesko 2 The video camera will be pointed on 3 you, Mr. Lesko, to show the judge and to show 4 whomever how you have been asking questions. 5 I am giving you fair warning at this 6 time that if that continues, that is what will 7 happen. 8 MR. LESKO: Are you finished? 9 MR. BARTHOLOMAEI: I am 10 finished. 11 MR. LESKO: Mr. Bartholomaei, 12 first, I welcome and accept your challenge to 13 have -- 14 MR. BARTHOLOMAEI: It's not a 15 challenge. 16 MR. LESKO: It most certainly 17 is a challenge. It's a calculated challenge to 18 affect these proceedings just like the rest of 19 your interruptions all day. 20 For the record, I will note that, 21 yes, I have been exasperated by your repeated 22 interruptions, your inappropriate direction to 23 your client not to answer perfectly valid 24 questions which are not subject to the 25 attorney/client privilege or work product</p>
<p style="text-align: right;">Page 158</p> <p>1 R. Wycoff - by Mr. Lesko 2 ten minutes, but for your lawyer's 3 interruptions. 4 As of 1991, when you signed this 5 application, was the answer to this question 6 true? 7 MR. BARTHOLOMAEI: I will tell 8 you what. I am going to put on the record 9 right now -- and I've held off doing this 10 throughout the course of this deposition -- but 11 because people won't be able to understand or 12 know of the tone of your voice and the manner 13 in which you have been asking questions during 14 the morning session and now again in the 15 afternoon session -- I find your tone to be 16 very abusive, offensive. 17 I don't think discovery depositions 18 should be conducted in this manner. It's very 19 unprofessional, very inappropriate. That is 20 why I asked to have the tape recording of this 21 deposition made part of the record. 22 If it continues, it is the position 23 of our law firm, that we will suspend the 24 deposition, or reconvene at another time and 25 ask to have the deposition videotaped.</p>	<p style="text-align: right;">Page 160</p> <p>1 R. Wycoff - by Mr. Lesko 2 doctrine and your overall abuse of these 3 proceedings. With that said -- 4 MR. BARTHOLOMAEI: I will note 5 for the record that that last statement, your 6 tone of voice is completely inappropriate. I 7 don't think I've ever raised my voice. I am 8 not taking an argumentative tone with you, 9 Mr. Lesko. 10 I am simply making objections on 11 behalf of my client. You are taking them 12 either personally or you're taking them in a 13 manner in which most attorneys don't. It is 14 very unprofessional. 15 I ask that you just go on with the 16 deposition and just try and control yourself. 17 That's all I am asking. 18 MR. LESKO: I will go on with 19 the deposition. I will note for the record 20 that you have not been sworn in here today. 21 Your statements regarding my conduct are 22 worthless and they are completely inaccurate. 23 They're inaccurate characterizations designed 24 to secure an advantage which again is another 25 abuse of the process.</p>

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<p style="text-align: right;">Page 161</p> <p>1 R. Wycoff - by Mr. Lesko 2 MR. BARTHOLOMAEI: The tape 3 will bear the account. 4 MR. LESKO: I have acted in a 5 complete and professional manner, contrary to 6 the way you have acted today. You have 7 continually impugned my deposition style, my 8 ability to ask a question, all in front of your 9 client to showboat. That's essentially what it 10 is, a big showboat. 11 I have asked you earlier today to 12 step outside the room so we could discuss the 13 issues outside of the presence of your client 14 so as not to taint this process. Quite 15 frankly, it was as a courtesy to you which I 16 think shows the utmost professionalism. 17 You can make all the 18 characterizations and unilateral statements 19 impugning my character and conduct all you 20 want. It's worthless. 21 I welcome the challenge for a video 22 or audio tape of this deposition. I will tell 23 you right now, it will be a shame to have to 24 have Mr. Wycoff come back here again. 25 I am going to ask the court reporter</p>	<p style="text-align: right;">Page 163</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. The box is checked Never. Do you 3 see that? 4 A. (Nods affirmatively.) 5 Q. Was that answer true as of 1991 when 6 you signed this application? 7 A. Smoking, no. Chewed on -- I never 8 smoked a cigar. Never smoked a pipe. 9 Q. But you used cigars prior to 1991; 10 right? 11 MR. BARTHOLOMAEI: Objection to 12 form. 13 A. No. 14 Q. Did you use cigars prior to 1991? 15 A. No. 16 Q. You never used a cigar prior to 17 1991? That's your testimony? 18 A. No. 19 Q. Didn't you testify -- 20 A. After -- this would have been -- 21 when in the hell was I chewing the cigars? It 22 may have only been one time that I even did 23 that. 24 Q. It was while you worked at U.S. 25 Steel; right?</p>
<p style="text-align: right;">Page 162</p> <p>1 R. Wycoff - by Mr. Lesko 2 to read the last question, because of this 3 diatribe on your behalf which required a 4 response from me, has carried on for about five 5 minutes. I lost my train of thought. 6 Congratulations. 7 Let's hear the last question, 8 please. 9 (Question read back.) 10 Q. I am going to restate the question 11 for purposes of the record so I don't have to 12 page back. Mr. Wycoff, looking at page 31, 13 which is part of the application attached to 14 the 1991 policy, question No. 9, Tobacco Use, 15 it says, "Indicate date proposed insured last 16 smoked or used smokeless tobacco." The box 17 "never" has an X in it. 18 As of 1991, when you signed this 19 application, was that answer true? 20 A. No. 21 Q. Let's look at the same question. 22 "Indicate date proposed insured last smoked or 23 used a cigar." 24 Do you see that? 25 A. Um-hum.</p>	<p style="text-align: right;">Page 164</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. Cigars at U.S. Steel to chew on? 3 Only time I can recall doing it -- I never 4 bought cigars to chew on. They would have had 5 to come from somebody that had a cigar. I 6 said, "Give me that to chew on." Stick it in 7 my mouth and just gnaw on a little bit. 8 Q. Was that before 1991? 9 A. Was that before '91? It is so hard 10 to remember. To my knowledge, I only did this 11 one time. Like I said, I never bought cigars. 12 I doubt it, no. I would say no. 13 Q. Let's go to Exhibit 3, please, which 14 is the policy or the policy-related documents 15 pertaining to the policy issued by MetLife -- 16 by Prudential, rather. 17 A. Okay. 18 Q. On page 113, at the very bottom of 19 the page, is that your signature in the lower 20 right-hand portion? 21 A. Yes, it is. 22 Q. Is this page part of the application 23 that you submitted to Prudential Insurance 24 Company? 25 A. This is to Prudential. Did you say</p>

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<p style="text-align: right;">Page 165</p> <p>1 R. Wycoff - by Mr. Lesko 2 Metropolitan? 3 Q. I think I said Prudential. If I 4 didn't, I apologize. Is this part of the 5 application that you submitted to Prudential 6 Insurance Company? 7 A. Yes, it is. 8 Q. Did you intend for Prudential to 9 rely on the information provided in this 10 application? 11 MR. BARTHOLOMAEI: Objection to 12 form. 13 Q. Mr. Wycoff? 14 A. Yes, I did. 15 Q. Let's take a look at question No. 24 16 on that page, please. For the record it says, 17 "Has the proposed insured or spouse ever 18 smoked? A, proposed insured." There's two 19 boxes, yes and no. 20 Do you see that? Which box is 21 checked? 22 MR. BARTHOLOMAEI: The document 23 speaks for itself. Are you just asking him to 24 read it out loud? 25 Q. Which box is checked, Mr. Wycoff?</p>	<p style="text-align: right;">Page 167</p> <p>1 R. Wycoff - by Mr. Lesko 2 MR. BARTHOLOMAEI: You know 3 what? I am directing him not to answer the 4 question. 5 MR. LESKO: You're what? 6 MR. BARTHOLOMAEI: Directing 7 him not to answer the question. 8 MR. LESKO: What's the basis 9 for that? 10 MR. BARTHOLOMAEI: The question 11 is completely inappropriate. It is trying to 12 trick the witness. It totally assumes facts 13 that are not in evidence. He can't answer 14 that. 15 MR. LESKO: What facts? 16 MR. BARTHOLOMAEI: For example, 17 the fact that the agent completed the 18 applications. Okay? And not Mr. -- Mr. Wycoff 19 didn't check these boxes. Those facts. 20 MR. LESKO: Thank you. 21 MR. BARTHOLOMAEI: You're 22 welcome. 23 MR. LESKO: It doesn't assume 24 those facts. Mr. Wycoff -- 25 MR. BARTHOLOMAEI: You asked</p>
<p style="text-align: right;">Page 166</p> <p>1 R. Wycoff - by Mr. Lesko 2 MR. BARTHOLOMAEI: He is asking 3 you right here which one of these two boxes is 4 checked. 5 A. The no box. 6 Q. You are the proposed insured 7 referred to in that question; right? 8 A. Yes, sir. 9 Q. Is that answer true or false? 10 A. Has proposed insured -- ever smoked? 11 I guess in that instance, it's false. 12 Q. So you allowed two applications to 13 be submitted to the insurance companies 14 containing false information -- 15 MR. BARTHOLOMAEI: Objection to 16 the form. 17 MR. LESKO: Strike that. 18 MR. BARTHOLOMAEI: That's 19 completely inappropriate. 20 Q. You submitted two applications to 21 insurance companies containing false 22 information about yourself, didn't you? 23 MR. BARTHOLOMAEI: Objection to 24 form. Assumes facts not in evidence. 25 Q. You can go ahead and answer.</p>	<p style="text-align: right;">Page 168</p> <p>1 R. Wycoff - by Mr. Lesko 2 him that way. That's why I directed him not to 3 answer. I think there is a different way you 4 can ask him -- 5 Q. Did you direct the agents, either 6 Mr. -- did you direct Mr. Seddan? Did you ever 7 direct Mr. Seddan not to submit this 8 application to Prudential? 9 A. Not to present this? 10 Q. Yeah. 11 A. No. 12 Q. Did you tell Mr. Seddan that this 13 application contains false information 14 regarding your smoking? Do you recall ever 15 telling him that? 16 A. No. 17 Q. But you certified, in signing the 18 application, that all of the information 19 contained in this application is true or was 20 true; right? 21 A. I really don't know what the hell I 22 told him. I don't know. I'm not even 23 guessing. 24 Q. Take a look, Mr. Wycoff, on page 113 25 of that application for Prudential. It's part</p>